

CONDENSED TRANSCRIPT

Deposition of: Robert G. Wycoff

September 17, 2003

Robert G. Wycoff vs.
Metropolitan Life Insurance Company

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1 2 IN THE COURT OF COMMON PLEAS OF 3 WESTMORELAND COUNTY, PENNSYLVANIA 4 5 ROBERT G. WYCOFF,) CIVIL DIVISION 6) 7 Plaintiff,) No. 1011 of 2000 8) 9 vs.) Deposition of 10) ROBERT G. WYCOFF 11 METROPOLITAN LIFE) 12 INSURANCE COMPANY and) Filed on behalf of 13 KENNETH F. KACZMAREK,) the Defendants 14) 15 Defendants.) Counsel of Record for 16) this Party: 17) 18) Robert P. Lesko, Esq. 19) 20) McCarter & English 21) Four Gateway Center 22) 100 Mulberry Street 23) Newark, NJ 07102 24 25 16 REPRODUCTION OF THIS TRANSCRIPT IS PROHIBITED 17 WITHOUT AUTHORIZATION FROM THE CERTIFYING 18 AGENCY 19 20 21 22 23 24 25	1 2 INDEX 3 4 5 WITNESS: ROBERT G. WYCOFF 6 7 EXAMINATION: PAGE 8 9 BY MR. LESKO 5 10 11 EXHIBITS: PAGE 12 13 WYCOFF DEPOSITION EXHIBIT NO. 1 24 14 WYCOFF DEPOSITION EXHIBIT NO. 2 65 15 WYCOFF DEPOSITION EXHIBIT NO. 3 65 16 WYCOFF DEPOSITION EXHIBIT NO. 4 65 17 WYCOFF DEPOSITION EXHIBIT NO. 5 122 18 WYCOFF DEPOSITION EXHIBIT NO. 6 128 19 WYCOFF DEPOSITION EXHIBIT NO. 7 170 20 WYCOFF DEPOSITION EXHIBIT NO. 8 171 21 WYCOFF DEPOSITION EXHIBIT NO. 9 175 22 WYCOFF DEPOSITION EXHIBIT NO. 10 190 23 WYCOFF DEPOSITION EXHIBIT NO. 11 195 24 WYCOFF DEPOSITION EXHIBIT NO. 12 218 25 WYCOFF DEPOSITION EXHIBIT NO. 13 220
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1 2 DEPOSITION OF ROBERT G. WYCOFF 3 the Plaintiff herein, called by the Defendants 4 for examination, taken pursuant to the 5 Pennsylvania Rules of Civil Procedure, by and 6 before Kurt M. Ament, a Registered Professional 7 Reporter and a Notary Public in and for the 8 Commonwealth of Pennsylvania, at the law 9 offices of Thorp, Reed & Armstrong, 14th Floor, 10 One Gateway Centre, Pittsburgh, PA, on 11 Wednesday, September 17, 2003 at 9:27 a.m. 12 13 14 COUNSEL PRESENT: 15 16 For the Plaintiff: 17 18 Behrend & Ernsberger 19 by Mark A. Bartholomaei, Esq. 20 21 For the Defendants: 22 23 McCarter & English 24 by Robert P. Lesko, Esq. 25	1 2 EXHIBITS: PAGE 3 4 WYCOFF DEPOSITION EXHIBIT NO. 14 227 5 WYCOFF DEPOSITION EXHIBIT NO. 15 234 6 WYCOFF DEPOSITION EXHIBIT NO. 16 244 7 WYCOFF DEPOSITION EXHIBIT NO. 17 247 8 WYCOFF DEPOSITION EXHIBIT NO. 18 259 9 WYCOFF DEPOSITION EXHIBIT NO. 19 261 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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2 PROCEEDINGS
3
4 ROBERT G. WYCOFF
5 the Plaintiff herein, having been first duly
6 sworn, was examined and testified as follows:
7 EXAMINATION
8 BY MR. LESKO:
9 Q. Mr. Wycoff, we introduced ourselves
10 just a moment ago before we went on the record.
11 For the record, let me introduce myself again.
12 My name is Robert Lesko.
13 I work for the law firm of McCarter
14 & English. We are counsel for the Defendant,
15 Metropolitan Life Insurance Company, in this
16 case.
17 A. Okay.
18 Q. Sir, have you ever had a deposition
19 taken before?
20 A. No, sir.
21 Q. Let me just explain briefly some
22 background in the deposition so it will go a
23 little bit smoother for us or insure that it
24 goes smoother for us.
25 This is a formal court proceeding,

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1 R. Wycoff - by Mr. Lesko
2 notwithstanding the fact we are in an informal
3 setting here in the conference room. As you
4 see to your right and to my left between us is
5 a court reporter who is taking down everything
6 that we say.
7 I will be asking questions today,
8 and to the best of your ability, you will be
9 providing me with answers. The court reporter
10 is going to take down everything that we say.
11 Because he is taking down everything
12 that we say, it is important that we not talk
13 over each other or interrupt each other because
14 all we're going to have is a black and white
15 record. He has to get everything down on this
16 page so we can read it.
17 He can't take us down two at a time.
18 If we interrupt each other, then we -- the
19 answers might not be reflected correctly, the
20 question may not -- you may not fully
21 understand the question. 99 percent of the
22 time I will ask a question and before it is a
23 quarter of the way out of my mouth, you will
24 know the answer. Let me finish the question so
25 the record is clear.

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1 R. Wycoff - by Mr. Lesko
2 It will give us an opportunity to do
3 a couple of other things. It will give you a
4 moment to digest the question, consider it and
5 make sure your answer is accurate to the best
6 of your ability.
7 Your attorney, seated to your left,
8 may also want to insert an objection and if you
9 pause for a second or two, that will give him
10 an opportunity to do that. If he does do that,
11 unless he directs you not to answer, you can go
12 ahead and answer the question.
13 If you have a problem with my
14 question in terms of not being able to
15 understand it, it's not clear, ask me for a
16 clarification. I will be glad to do that for
17 you.
18 If you don't ask for a
19 clarification, for all intents and purposes, we
20 will assume that you understood the question
21 and answered accurately
22 Is that fair?
23 A. Sounds fair enough to me.
24 Q. Once the transcript of our
25 proceeding here is compiled, it can be used in

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1 R. Wycoff - by Mr. Lesko
2 the context of this litigation. It can be
3 introduced at trial for impeachment purposes or
4 to establish facts and for other purposes.
5 Because of that, because it is a
6 formal proceeding, and in light of the oath
7 that you just took, please be sure to provide
8 the most accurate answers that you can, another
9 reason just to take your time and make sure you
10 understand the question and can recall the
11 answer.
12 If you can't recall an answer, let
13 me know. It's perfectly okay. We don't expect
14 you to remember everything, especially back in
15 '91 or '94.
16 If you are estimating at a date or
17 an amount, something along those lines, please
18 let me know you are estimating because it may
19 not be clear that you're estimating once we
20 read the transcript whenever it is compiled.
21 As a general rule, I don't want you
22 to guess at answers because we want to make
23 sure you have accurate answers. There is a
24 fine line between estimating and guessing.
25 Just let us know how sure you are of a response

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<p style="text-align: right;">Page 9</p> <p>1 R. Wycoff - by Mr. Lesko 2 if you are not sure. 3 Okay? 4 A. (Nods affirmatively.) 5 Q. All your responses need to be verbal 6 as opposed to a nod of the head or shrug of the 7 shoulders or um-hum or huh-uh so that the court 8 reporter can get it down. 9 A. Sure. I understand. 10 Q. If you need to take a break at any 11 time during the deposition, for any reason, you 12 just want to get some air, need to use the 13 bathroom, phone call, let me know. We can take 14 a break. 15 If there is a pending question, I'd 16 rather get the answer first and then take the 17 break. During the breaks, please do not 18 discuss with your attorney, or anyone else, the 19 contents of this litigation or the allegations 20 of this litigation or questions in the 21 deposition. 22 If you do, I might ask you what the 23 content of your conversations were. 24 Okay? 25 A. Outside of this room? Did you say</p>	<p style="text-align: right;">Page 11</p> <p>1 R. Wycoff - by Mr. Lesko 2 you. 3 MR. LESKO: Okay. Great. 4 Thank you very much. 5 MR. BARTHOLOMAEI: Sure. 6 Q. Before we get started, do you have 7 any questions for me, Mr. Wycoff, about the 8 deposition? 9 A. Not really. I'm ready to answer 10 whatever you ask. 11 Q. Okay. 12 A. To the best of my ability. 13 Q. Let's get going, then. Did you 14 bring with you, other than these four pages, 15 which are marked for the record RGW 00148 16 through 151, did you bring any other materials 17 with you today? 18 A. No, sir. 19 Q. Did you meet with -- back up: Have 20 you ever been a party to any other lawsuit? 21 A. No, sir. 22 Q. Did you meet with anybody or discuss 23 this deposition with anybody in preparation for 24 today's testimony? 25 A. Outside of the law firm?</p>
<p style="text-align: right;">Page 10</p> <p>1 R. Wycoff - by Mr. Lesko 2 that? 3 Q. Once this proceeding begins, until 4 it's concluded, you're not permitted to speak 5 with your attorney about this case, with one 6 exception: If you think I ask you a question 7 and the answer would require you to disclose 8 attorney/client privileged information, 9 communications between yourself and information 10 you learned from your attorney, for example, 11 you can discuss that with your attorney to 12 determine whether or not that privilege 13 applies. 14 Then if it does, Mr. Bartholomaei 15 will instruct you not to answer, I am sure. 16 A. Very good. 17 MR. BARTHOLOMAEI: Mr. Lesko, 18 before we start, I just wanted to give you 19 these four pages. Mr. Wycoff, in going through 20 some of his things, has located or actually not 21 for the first time, Mr. Wycoff went and made 22 some photocopies of his awards that he won. 23 These are photocopies of trophies 24 that he put on a photocopy machine. He just 25 wanted us to bring them in and give them to</p>	<p style="text-align: right;">Page 12</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Yes. 3 A. No, sir. 4 Q. Did you meet with your lawyers in 5 preparation for the deposition? 6 A. From time to time, yes. 7 Q. How many meetings did you have? 8 A. I really don't know. I didn't count 9 the envelopes I received. But it didn't have 10 anything -- not pertaining to the speaking of 11 points of the deposition, but scheduling. 12 Q. Okay. I understand. Did you meet 13 with them at any point to discuss what your 14 testimony might be today? 15 A. Once. With Barbara Ernsberger. 16 Q. When was that? 17 A. I didn't bring that information with 18 me. 19 Q. Best you can recall? Last week? 20 Last month? 21 A. Two weeks, two and a half weeks ago. 22 Q. How long was that meeting, if you 23 recall? 24 A. Well -- 25 Q. Approximately?</p>

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<p style="text-align: right;">Page 13</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. 20 minutes. That's an estimate. 3 Q. Did Ms. Ernsberger show you any 4 documents during that meeting? 5 A. No, she did not. 6 Q. Okay. 7 A. No, she did not. 8 Q. Did you discuss -- you might have 9 answered this already. I apologize. I may 10 forget answers along the course of the 11 deposition. If you already answered, help me 12 out and tell me what you said: 13 Did you meet with anybody else other 14 than your attorneys? 15 A. No, sir. 16 Q. Did you discuss this deposition with 17 anybody else over the near term? 18 A. No, sir. 19 Q. I assume you graduated from high 20 school, Mr. Wycoff? 21 A. That's right. 22 Q. What high school did you graduate 23 from? 24 A. Braddock High School. 25 Q. When was that?</p>	<p style="text-align: right;">Page 15</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. How long were you in that? 3 A. I got out in December of '46. 4 December of '46 and enlisted in the Reserves 5 then for three years, starting in January of 6 1947. 7 Q. What was your job in the Army Air 8 Corps? 9 A. I was a mechanic. 10 Q. Anything else? 11 A. We were supposed to go -- we didn't 12 get there, but we were supposed to go to 13 gunnery school. We had an epidemic of scarlet 14 fever out in Colorado. So that put the skids 15 to that for about three months. 16 Q. So your only job in the Air Corps 17 was a mechanic? 18 A. Yes, sir. 19 Q. You fixed planes? 20 A. Yes, sir. Airplane and engine 21 mechanic is what it was called. Our MO was 22 747. MOS, rather. MOS 747. 23 Q. After the Army Air Corps, you said 24 you joined the Reserves? 25 A. Yes, sir. Army Air Corps Reserves.</p>
<p style="text-align: right;">Page 14</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. 1944-'45. I was what they called a 3 mid year. They had mid year that instead of 4 everybody graduated in May, they had some 5 graduate at the end of the summer. 6 We took classes ahead of time, 7 because I was in the service then. So there 8 was a handful of us. Some in the Navy, some in 9 the Marines. I was in the Air Corps. 10 Q. Was it Reserves or active duty? 11 A. I signed up in June of '44. We knew 12 we were going to be taken. 13 Q. I see. 14 A. So we sort of doubled up, more or 15 less, our studies. 16 Q. So you graduated before you actually 17 left? 18 A. Right. Our commencement was 19 actually held the following May. I was already 20 gone. 21 Q. So you said you were in the Air 22 Corps? 23 A. Army Air Corps. 24 Q. That was in 1944-'45? 25 A. Right.</p>	<p style="text-align: right;">Page 16</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. How long did you remain in the 3 Reserves? 4 A. Three years. 5 Q. After you ceased active duty in the 6 Army Air Corps, did you attend any further 7 education, college or anything of that sort? 8 A. Went to -- I was hired by U.S. Steel 9 and went through their apprentice machinist -- 10 machinist apprentice program. I started there 11 in 1948, I believe in March of '48, and got out 12 in, I think, November of '52. I received my 13 papers at that time. 14 Q. Sorry to interrupt you. When you 15 say papers, what do you mean by that? 16 A. Machinist's diploma. You get like a 17 diploma. 18 Q. Okay. 19 A. At that time, you are a machinist 20 starting. You go from a machinist starting -- 21 after about six months, you go to machinist 22 intermediate. After another six months, you go 23 to machinist standard, which, in their terms, 24 is a top-rated machinist. 25 So it takes a year -- from the time</p>

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<p style="text-align: right;">Page 17</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 you get your machinist's diploma until you</p> <p>3 become a machinist standard, a year goes by.</p> <p>4 Q. Okay. Subsequent to obtaining your</p> <p>5 machinist diploma, did you take any further</p> <p>6 education courses?</p> <p>7 A. Not at that time, no.</p> <p>8 Q. At any time since then, have you?</p> <p>9 A. Yes, sir. We took several courses,</p> <p>10 management courses within U.S. Steel's program</p> <p>11 They had that set up for employees, and for</p> <p>12 machinists.</p> <p>13 I was in process engineering for a</p> <p>14 while, management, I was an instructor,</p> <p>15 machinist instructor, and also then I went to</p> <p>16 Community College of Allegheny County, the</p> <p>17 south campus. That's located in West Mifflin.</p> <p>18 I went there for oral communication.</p> <p>19 That was Oral Communication 1 and Oral</p> <p>20 Communication 2.</p> <p>21 Q. You said that that -- U.S. Steel set</p> <p>22 up a program for you at the University of</p> <p>23 Pittsburgh?</p> <p>24 A. Yes. It was through them to -- in</p> <p>25 order to be an apprentice instructor, to go</p>	<p style="text-align: right;">Page 19</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 take a little bit longer, due to either layoffs</p> <p>3 or strike.</p> <p>4 Q. I think you mentioned also something</p> <p>5 having to do with management. Is that -- that</p> <p>6 you had some management training?</p> <p>7 A. Management classes, right.</p> <p>8 Q. Who offered the management classes?</p> <p>9 A. U.S. Steel.</p> <p>10 Q. So that was?</p> <p>11 A. Within the company.</p> <p>12 Q. What kind of subjects were covered</p> <p>13 in your management classes?</p> <p>14 A. Oh, how to deal with your skills</p> <p>15 that you have in the shop. You know, it's not</p> <p>16 like being in an office. Skills, getting the</p> <p>17 most out of your employees, how to treat them</p> <p>18 right, tell them what their responsibilities</p> <p>19 are, what your responsibilities are, get them</p> <p>20 to cooperate. We pretty much did that.</p> <p>21 Q. Did you have any finance courses in</p> <p>22 connection with that management training?</p> <p>23 A. Finance courses?</p> <p>24 Q. Yes. Having to do with company</p> <p>25 budgets?</p>
<p style="text-align: right;">Page 18</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 through vocational education classes at the</p> <p>3 University of Pittsburgh.</p> <p>4 This was night school. So about</p> <p>5 6:20 -- I remember the hours very vividly --</p> <p>6 6:20 in the evening until about 10:20 at night.</p> <p>7 This is just an estimate now: I remember twice</p> <p>8 a week, twice a week, and then some weeks it</p> <p>9 was three times a week. But that was rarely.</p> <p>10 Q. You did that for about three years;</p> <p>11 is that right?</p> <p>12 A. Yes.</p> <p>13 Q. You listed, in responses to</p> <p>14 Interrogatories, U.S. Steel machinist</p> <p>15 apprentice graduate.</p> <p>16 Is that what you mentioned before,</p> <p>17 what resulted in your machinist diploma?</p> <p>18 A. Yes, sir.</p> <p>19 Q. All right.</p> <p>20 A. The machinist apprentice program</p> <p>21 takes approximately four years. It might vary,</p> <p>22 due to, during the course of the four years, if</p> <p>23 you would be laid off for a month or two</p> <p>24 months, then that puts you back. Longevity</p> <p>25 time may take longer. Won't take less, but may</p>	<p style="text-align: right;">Page 20</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. No, sir.</p> <p>3 Q. Or raising funds, anything like</p> <p>4 that?</p> <p>5 A. No, sir.</p> <p>6 Q. Did you have any math courses in</p> <p>7 connection with your management classes?</p> <p>8 A. We had math courses within the</p> <p>9 machinist apprentice program, yes.</p> <p>10 Q. What kind of math courses?</p> <p>11 A. Trade theory, geometry, trig and</p> <p>12 basic math, measurements.</p> <p>13 Q. Have you ever taken any probability</p> <p>14 and statistics courses?</p> <p>15 A. No.</p> <p>16 Q. What about accounting type courses?</p> <p>17 A. Accounting? When I was with -- this</p> <p>18 goes way back. This goes to what was called</p> <p>19 Business Training College, BTC, which I think</p> <p>20 eventually became Point Park College.</p> <p>21 Q. Okay.</p> <p>22 A. God. I completely forgot about</p> <p>23 that.</p> <p>24 Q. When was that? When did you go to</p> <p>25 Business Training College?</p>

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<p style="text-align: right;">Page 21</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. I was only there, if I was there a</p> <p>3 year. This was before I even started with U.S.</p> <p>4 Steel.</p> <p>5 Q. So after you returned from active</p> <p>6 duty in the service?</p> <p>7 A. Yes, right. It was in accounting.</p> <p>8 But it really -- I was pushing myself to go to</p> <p>9 class. It really wasn't my cup of tea, I guess</p> <p>10 you call it. I am good with my hands. So it</p> <p>11 really wasn't -- I guess my realization was</p> <p>12 that accounting wasn't going to be for me. I</p> <p>13 went from there then and hooked up with U.S.</p> <p>14 Steel.</p> <p>15 Q. Was Business Training College a</p> <p>16 four-year college or two-year college?</p> <p>17 A. I believe that was two years at that</p> <p>18 time.</p> <p>19 Q. So when you started, you had in mind</p> <p>20 a two-year degree in accounting; is that right?</p> <p>21 A. In the end?</p> <p>22 Q. Right. That's what you were going</p> <p>23 for?</p> <p>24 A. Right. One of the fellows that was</p> <p>25 in our class that I remember was a gentleman</p>	<p style="text-align: right;">Page 23</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 course while you were at Business Training</p> <p>3 College?</p> <p>4 A. Right.</p> <p>5 Q. Did you have --</p> <p>6 A. Very minimal I call that, from what</p> <p>7 I can remember.</p> <p>8 Q. Can you recall any other courses</p> <p>9 that you had while you there?</p> <p>10 A. No.</p> <p>11 Q. Were you going full-time at the</p> <p>12 time?</p> <p>13 A. I can't even remember that. That's</p> <p>14 been so long ago. I completely forgot about</p> <p>15 going there, until you asked that question.</p> <p>16 Q. Do you remember whether you went to</p> <p>17 classes during the day or at night?</p> <p>18 A. Daytime.</p> <p>19 Q. You were not working at U.S. Steel</p> <p>20 at the time, were you?</p> <p>21 A. No.</p> <p>22 Q. You also received a certificate in</p> <p>23 industrial -- in the industrial studies program</p> <p>24 at U.S. Steel; is that right?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">Page 22</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 that eventually became manager of a Mellon Bank</p> <p>3 years down the road; not after he got</p> <p>4 graduated, but on down the road.</p> <p>5 Q. Okay.</p> <p>6 A. He went there two years. Accounting</p> <p>7 and what's the other thing? Problems on</p> <p>8 Democracy or something like that.</p> <p>9 Q. Political science?</p> <p>10 A. Not political science. What was the</p> <p>11 name of that other course? I can't remember.</p> <p>12 But there was another course. Had something to</p> <p>13 do with -- we used to call them Problem Solving</p> <p>14 on Democracy, POD. It was something similar,</p> <p>15 like we had in high school. Civics.</p> <p>16 Q. So you just took the two courses,</p> <p>17 Accounting and Problems on Democracy while you</p> <p>18 were there?</p> <p>19 A. That was part of the course.</p> <p>20 Q. The curriculum?</p> <p>21 A. Right. I mean, it wasn't a course</p> <p>22 from that.</p> <p>23 Q. I see.</p> <p>24 A. It was a class within.</p> <p>25 Q. But you did have an accounting</p>	<p style="text-align: right;">Page 24</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 MR. LESKO: Let's go ahead and</p> <p>3 mark this as Exhibit 1, please.</p> <p>4 (Wycoff Exhibit No. 1 was</p> <p>5 marked for identification.)</p> <p>6 Q. Can I see that back just for a</p> <p>7 moment. I'll give it right back. I didn't</p> <p>8 make a copy for myself.</p> <p>9 There are two certificates on this</p> <p>10 sheet marked as Exhibit 1. I call them</p> <p>11 certificates. Maybe there is another name for</p> <p>12 them.</p> <p>13 They essentially indicate that you</p> <p>14 had successfully completed a course in</p> <p>15 Transactional Analysis, fall of 1975, and a</p> <p>16 course in Modern Supervision, spring of 1973.</p> <p>17 Is that right?</p> <p>18 A. Um-hum. That's correct.</p> <p>19 Q. Do you recall what the Transactional</p> <p>20 Analysis course consisted of?</p> <p>21 A. Well, had to do with machine</p> <p>22 operations. At that time, we had a lot of new</p> <p>23 machinery in the shop that had readouts on</p> <p>24 them.</p> <p>25 Q. That had?</p>

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<p style="text-align: right;">Page 25</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. Readouts on them for vertical,</p> <p>3 horizontal, longitudinal readings,</p> <p>4 calibrations. So in order to understand the</p> <p>5 procedure of these machine operations and</p> <p>6 setups, and how these were to involve -- when</p> <p>7 you were machining on these machines, not all</p> <p>8 the machines had these readouts, but primarily</p> <p>9 most of the machines did.</p> <p>10 So we had to know how to program --</p> <p>11 not exactly program the machine, but program</p> <p>12 the machine in the operations to know like, on</p> <p>13 down the line -- in the course of mill work,</p> <p>14 there are a lot of breakdowns. What I mean is</p> <p>15 outages. So you have to determine which</p> <p>16 machine operations should be done first on what</p> <p>17 machine.</p> <p>18 So this all, more or less, entered</p> <p>19 into it.</p> <p>20 Q. So then the phrase Transactional</p> <p>21 Analysis or title Transactional Analysis had</p> <p>22 nothing to do with financial transaction --</p> <p>23 A. No.</p> <p>24 Q. Anything to do with budgeting?</p> <p>25 A. This was strictly -- any of these</p>	<p style="text-align: right;">Page 27</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 include training --</p> <p>3 A. What machine would go on first. One</p> <p>4 job didn't have to go on one machine and then</p> <p>5 leave. It went from -- they would do certain</p> <p>6 machine operations on this one machine. Then</p> <p>7 go to another machine to continue operations on</p> <p>8 it. So you had to coordinate this.</p> <p>9 Q. Were you trained in cost benefit</p> <p>10 analysis during that Transactional Analysis</p> <p>11 course?</p> <p>12 A. No. We were strictly -- had to do</p> <p>13 with machining operations as quickly as</p> <p>14 possible.</p> <p>15 Q. Were you trained in time cost</p> <p>16 analysis?</p> <p>17 A. No. We had estimators that came in</p> <p>18 to estimate certain machines. I guess you</p> <p>19 would call it time study.</p> <p>20 Q. Okay.</p> <p>21 A. They would come in and time study</p> <p>22 certain machines to set a rate for a machine.</p> <p>23 So once they determined certain machine</p> <p>24 operations on certain machines, enough that</p> <p>25 they were able to establish a pattern, then</p>
<p style="text-align: right;">Page 26</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 courses had to do with working in the shop,</p> <p>3 working in the machine shop.</p> <p>4 Q. The actual operations in the machine</p> <p>5 shop?</p> <p>6 A. That's correct.</p> <p>7 Q. As opposed to the economics of</p> <p>8 operating the machine shop?</p> <p>9 A. I would say so, yes. As far as we</p> <p>10 tried to get the job done as smoothly and as</p> <p>11 quickly as possible because when a mill is</p> <p>12 down, that's lost money to that mill. That's</p> <p>13 lost wages to the men that work there. You</p> <p>14 know, some of them had to leave to go home.</p> <p>15 They couldn't stay there on the job because</p> <p>16 they weren't able to do their job.</p> <p>17 Until we get part of this operation</p> <p>18 or this machine -- the equipment machined</p> <p>19 properly and get it back on line again, then</p> <p>20 those men could be called back to work.</p> <p>21 That's why we had to determine which</p> <p>22 had the higher priority of the jobs that came</p> <p>23 into the shop.</p> <p>24 Q. Did the training regarding</p> <p>25 determining the priority of jobs, did that</p>	<p style="text-align: right;">Page 28</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 they were able to complete the time study and</p> <p>3 then allow a standard to set up saying when</p> <p>4 this job comes in, this job, we estimate, will</p> <p>5 take so long to do when you have certain</p> <p>6 machine operations to do.</p> <p>7 The next time that job comes in, it</p> <p>8 may not require the same amount of time to</p> <p>9 machine it because there may not be as many</p> <p>10 steps to complete. But you had a basic,</p> <p>11 standard guideline that you were to follow.</p> <p>12 Not us, the time-setting men.</p> <p>13 Q. Okay.</p> <p>14 A. Okay?</p> <p>15 Q. So the time study men would provide</p> <p>16 you the guidelines?</p> <p>17 A. They would put the time on the job.</p> <p>18 In other words, require time that the job,</p> <p>19 under these machine operations, normal machine</p> <p>20 operations, when the job should be done.</p> <p>21 Q. Then somebody would have to make a</p> <p>22 determination as to which job goes first so as</p> <p>23 to make the process as efficient as possible?</p> <p>24 A. As soon as they come into the shop.</p> <p>25 Some jobs, even though they may have a higher</p>

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1 R. Wycoff - by Mr. Lesko
2 priority over other jobs, they may not be in
3 the shop yet. But you just can't let that
4 other job that has less priority just set
5 there. So you got to start machining that, you
6 know. We had to be very critical of time
7 because, you know, if the mill is down, steel
8 production is...
9 Q. Somebody had to make the decisions
10 as to what jobs to put on the machines at any
11 given time?
12 A. That's right. Every turn did work
13 eight hours. We worked three turns: daylight,
14 afternoon, nightturn. Every turn would be
15 reached by the previous turn of what they were
16 doing, what was coming in, what machine was
17 operating. You know, just where you stood.
18 Q. That Transactional Analysis training
19 course, was that the kind of stuff that was
20 taught to you?
21 A. Yes. This and modern supervision.
22 Q. Sorry? What was the second part?
23 A. Modern supervision. It all works
24 in.
25 Q. Were all machinists required to take

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1 R. Wycoff - by Mr. Lesko
2 those courses?
3 A. No.
4 Q. Was it a voluntary program?
5 A. This had nothing to do with the
6 machinist program, this (indicating).
7 Q. What did it have to do with?
8 A. Just what we were talking about.
9 Q. That was a voluntary program?
10 A. Yes, sir.
11 Q. Were you selected to participate in
12 those programs?
13 A. Well, they requested it.
14 Q. The company requested that you
15 participate in those training programs?
16 A. Right.
17 Q. Do you know why they requested you
18 to participate in those?
19 A. Well, I can't say for sure, but I
20 would imagine they wanted to make sure we had
21 the right stuff.
22 Q. So you were targeted as supervisor
23 material; is that right?
24 A. (Nods affirmatively.)
25 Q. Okay.

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1 R. Wycoff - by Mr. Lesko
2 A. I nodded my head yes.
3 Q. Thank you. I forgot to remind you.
4 A. These were very good studies, by the
5 way.
6 Q. Beg your pardon?
7 A. They were very good studies, by the
8 way.
9 Q. Good courses, good classes?
10 A. Yes.
11 Q. So I take it from our discussion so
12 far that once you returned from the Army Air
13 Corps and decided that accounting at the
14 Business Training College wasn't for you, you
15 started at U.S. Steel?
16 A. Yes, sir.
17 Q. Your position was machinist
18 apprentice; is that right?
19 A. That's correct.
20 Q. Are you retired now, sir?
21 A. From U.S. Steel?
22 Q. Yes.
23 A. Yes.
24 Q. When did you retire from U.S. Steel?
25 A. November of 1983.

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1 R. Wycoff - by Mr. Lesko
2 Q. Congratulations! That's great.
3 A. Thank you.
4 Q. Between the time you started as a
5 machinist apprentice in 1983, did you work
6 continuously with U.S. Steel?
7 A. On strike -- naturally, I had to
8 raise a family so you try to work. 1959 -- I
9 take that back. I'm not sure of the year. But
10 we worked for Bethlehem Steel Works in Rankin
11 4:30 to one o'clock in the morning, the
12 afternoon shift.
13 We were on strike with U.S. Steel
14 and went to work for Bethlehem in their machine
15 shop. That was a deadman's turn: 4:30 to one.
16 My wife hated it.
17 Q. How long did you do that for,
18 approximately?
19 A. I think about one week shy of a year
20 That's how I remember that.
21 Q. Then you returned to U.S. Steel
22 then?
23 A. Yes. After the strike was over.
24 Q. Your position at Bethlehem was the
25 same or similar --

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1 R. Wycoff - by Mr. Lesko
2 A. Machinist.
3 Q. Any other interruptions in your
4 employment with U.S. Steel?
5 A. I am trying to think how many
6 strikes I was involved in.
7 Q. Let me ask it this way: During your
8 time with U.S. Steel, did you work in any other
9 position, other than a machinist?
10 A. Machinist instructor for U.S. Steel.
11 Apprentice.
12 Q. All right. Excluding U.S. Steel for
13 the moment, from the time you started with U.S.
14 Steel until the time you retired in 1983, did
15 you work for any other company other than as a
16 machinist?
17 A. Other?
18 Q. Yes.
19 A. Than a machinist?
20 Q. Yes.
21 A. No.
22 Q. Now, during your employment with
23 U.S. Steel, subsequent to attaining the level
24 of machinist standard, did you hold any other
25 positions with the company? I think you just

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1 R. Wycoff - by Mr. Lesko
2 mentioned machinist instructor?
3 A. Um-hum.
4 Q. And was -- were you also a machinist
5 at the time?
6 A. Yes, sir.
7 Q. When did you start as a machinist
8 instructor, roughly?
9 A. 1972, I believe. This is just an
10 estimate, now. I can't remember.
11 Q. That's okay.
12 A. I was trying to remember what kind
13 of car I was driving at that time. That gives
14 me the year. I know I had a 1974 Pontiac.
15 That was new. I was an instructor before
16 that. So it had to be before 1974.
17 Q. About how long did you hold that
18 position?
19 A. Again, I am going back to the car I
20 was driving.
21 Q. Was it until --
22 A. Probably three years; three to four
23 years. That would be about it.
24 Q. Other than machinist instructor, did
25 you hold any other titles?

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1 R. Wycoff - by Mr. Lesko
2 A. Turn foreman. Oh. Well, they gave
3 us the title, but it -- it had to do -- I was
4 involved in scheduling. So they had me as --
5 their term, process engineer, and I did the
6 scheduling of the apprentices, because I was
7 their instructor, one of their instructors.
8 Q. Okay.
9 A. So I had to fit them into the
10 schedule, the weekly schedule. So we made --
11 every week we made the schedule out for the
12 apprentices: their school, who was going to go
13 to school, who was going to work on what
14 machine to get their required amount of hours
15 on the machine.
16 We had a form that showed the
17 different stages of the machinist apprentice
18 program, and what we determined was the
19 required amount of hours in a column and it was
20 like an itemized program, so we tried to stick
21 as close to this, use this as a guideline: so
22 many hours here, 1800 hours here, 900 hours
23 here. You know, something like that.
24 We tried to stick with that. I had
25 to keep track of these hours on the machine

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1 R. Wycoff - by Mr. Lesko
2 apprentice so they wouldn't -- some didn't get
3 too few hours here and some get too many here.
4 Q. Okay.
5 A. Tried to coordinate that.
6 Q. You mentioned also -- I think you
7 said turn foreman?
8 A. Yes, sir.
9 Q. What is a turn foreman?
10 A. Turn foreman, you are in charge of
11 the shop. We are talking about the machine
12 shop. I have to speak in those terms.
13 You are in charge of the machine
14 shop for the eight hours that you are out
15 there. You're in charge of all the machining
16 operations. You're in charge of all the --
17 responsible for all the men that are there:
18 machinists, machine operators, helpers,
19 material handlers. You are responsible for
20 that. You're in charge. You make the
21 decisions.
22 Q. Any other positions?
23 A. That's it.
24 Q. With the company?
25 A. That's it.

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1 R. Wycoff - by Mr. Lesko
2 Q. You also told us in your responses
3 to Interrogatories, you worked with the Cauley
4 Detective Agency?
5 A. Yes, sir.
6 Q. As a security guard; is that right?
7 A. Yes.
8 Q. It also notes here receptionist,
9 Duquesne Light, executive offices. Is that
10 where you were stationed as a security guard?
11 A. Yes, sir.
12 Q. Did you also serve as the
13 receptionist?
14 A. Yes, sir.
15 Q. That was between 1987 and 1997; is
16 that right?
17 A. Yes, sir.
18 Q. From '97 to the present, you worked
19 for Firm Security Systems?
20 A. That's correct.
21 Q. As a security guard?
22 A. Yes, sir.
23 Q. Were you an employee of Cauley? You
24 didn't own the company?
25 A. No. I was an employee of Cauley

1 Wycoff - by Mr. Lesko
2 the rest room. She said, "My, God, they showed
3 me steps leading down to what looked like a
4 dungeon," and she said, "I turned right around
5 and I came right back up and I told the
6 gentleman there, 'Sorry, but I have to leave.
7 I am no longer going to work here.'"
8 Out the door she went.
9 Q. And that was it.
10 A. Another time was over at Kennywood.
11 She went over there and thought just to give
12 her something to do. I guess she was getting
13 bored just being a homemaker. This was after
14 the family had been grown, naturally. They put
15 her over there.
16 The first job they gave her was to
17 clean out a popcorn machine. You can imagine,
18 after popping popcorn for God knows how many
19 times during the course of the day. I guess it
20 is thickly coated in areas. Maybe the person
21 that cleaned it prior to her didn't get into
22 the corners properly.
23 She cleaned this popcorn machine but
24 that was it for her for Kennywood. That was
25 the extent of my wife's outdoor activities, so

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1 R. Wycoff - by Mr. Lesko
2 Detective Agency.
3 Q. You are an employee of Firm Security
4 Systems, as well?
5 A. That's right.
6 Q. You don't have any ownership
7 interest in that?
8 A. No, sir.
9 Q. Mr. Wycoff, did you ever, or at any
10 time, during your career after your active
11 services in the Army Air Corps, obtain a
12 license, professional license, to sell real
13 estate, for example?
14 A. No, sir.
15 Q. No professional license to sell
16 securities or insurance, I take it, either?
17 A. None whatsoever.
18 Q. What is your wife's occupation? I
19 assume you're married?
20 A. Housewife, homemaker.
21 Q. Did she ever work outside of the
22 home since you have been married?
23 A. Well, you are going to laugh at
24 this. She worked for one day in a bookstore.
25 During the course of that day, she had to go to

1 R. Wycoff - by Mr. Lesko
2 to speak.
3 Q. You have children?
4 A. Yes.
5 Q. How many children do you have?
6 A. Five.
7 Q. Boys? Girls?
8 A. Three boys, two girls.
9 Q. What are their names?
10 A. Robert David, Barry George, James
11 Thomas, Donna Lee and Michele Marie. Michele
12 one L. That's the French way, the real way.
13 The real Michele.
14 Q. Good, healthy family, five kids?
15 A. Yes, sir. Thank you.
16 Q. They're all grown and out of the
17 house now, I take it?
18 A. Yes.
19 Q. Did all of your children attend
20 college?
21 A. No. The reason why I hesitated
22 there for a bit, the one boy decided not to
23 attend. He decided to be a steamfitter
24 instead.
25 Q. Okay.

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<p style="text-align: right;">Page 41</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. That was our youngest son. The</p> <p>3 older son, Robert, did attend the University of</p> <p>4 Dayton.</p> <p>5 Q. Did he graduate?</p> <p>6 A. Yes, sir.</p> <p>7 Q. What was his degree in? Do you</p> <p>8 know?</p> <p>9 A. Business administration and</p> <p>10 computer.</p> <p>11 Q. Computer science?</p> <p>12 A. Something like that.</p> <p>13 Q. How about Barry? Did he attend</p> <p>14 college?</p> <p>15 A. No. Barry was an auto mechanic. He</p> <p>16 had schooling. He went to schools from Saab</p> <p>17 schooling. He also had schooling -- he worked</p> <p>18 for Bell South when he was living down in Fort</p> <p>19 Lauderdale.</p> <p>20 He probably had schooling down there</p> <p>21 I'm not sure just exactly how much he had.</p> <p>22 Q. James is a steamfitter?</p> <p>23 A. Steamfitter, yes, sir.</p> <p>24 Q. How about Donna? Did she attend</p> <p>25 college?</p>	<p style="text-align: right;">Page 43</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 and she's had some kind of medical training?</p> <p>3 A. Right. I would call it a clinic,</p> <p>4 rather than a doctor's office.</p> <p>5 Q. Is she a nurse?</p> <p>6 A. If you want to check on it, you</p> <p>7 might be able to find out. I don't even think</p> <p>8 my wife would know the name of it. My wife is</p> <p>9 not good with names, either.</p> <p>10 Q. But did she attend college for that?</p> <p>11 A. No, no.</p> <p>12 Q. She attended some kind of</p> <p>13 vocational?</p> <p>14 A. Medical studies.</p> <p>15 Q. How about Michele, with one L?</p> <p>16 A. No. Michele she works at a housing</p> <p>17 complex down in Lockwall, Texas. She has to do</p> <p>18 with like when families move in to an apartment</p> <p>19 complex, she has to go in there.</p> <p>20 I guess she is some sort of</p> <p>21 maintenance coordinator, I guess you would call</p> <p>22 it, where she checks on what's needed to be</p> <p>23 done in an apartment. When people move out</p> <p>24 before the next family or occupancy moves in,</p> <p>25 she goes in and checks what has to be done. Do</p>
<p style="text-align: right;">Page 42</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. Donna is -- you would have to help</p> <p>3 me on this. She works for a group of doctors</p> <p>4 where she takes information down, medical</p> <p>5 information down over -- through headphones, or</p> <p>6 through -- I guess the doctors talk to them</p> <p>7 through a cassette. Whatever you call that.</p> <p>8 There is a word for it. It is a terminology.</p> <p>9 Something graphy. I forget.</p> <p>10 Q. Stenography?</p> <p>11 A. No, not stenography. Has to do with</p> <p>12 medical terms. She sees patients that come</p> <p>13 into this clinic, like, okay, and I don't know</p> <p>14 how many doctors. They're associated with this</p> <p>15 clinic. She takes down information. It has to</p> <p>16 do with prescriptions, medications.</p> <p>17 Now, she is not the only one there.</p> <p>18 I think there's maybe three or four other women</p> <p>19 that do the same thing as Donna. She had to go</p> <p>20 to school for that. You know, for that.</p> <p>21 Q. It's not a secretary?</p> <p>22 A. No, no. Has nothing to do with -- I</p> <p>23 think everything she does is on the computer,</p> <p>24 keyboard.</p> <p>25 Q. So she works in a doctor's office</p>	<p style="text-align: right;">Page 44</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 the walls need to be painted? They probably</p> <p>3 paint it every time somebody moves out. How is</p> <p>4 the carpet? You know, she checks on that.</p> <p>5 She takes care of the swimming</p> <p>6 pools, two swimming pools. That, I know.</p> <p>7 Q. An apartment manager?</p> <p>8 A. No. Not per se. I think she works</p> <p>9 in unison with the complex manager.</p> <p>10 Q. Okay.</p> <p>11 A. What her exact title is, I don't</p> <p>12 know.</p> <p>13 Q. That's good. What is Robert's</p> <p>14 occupation?</p> <p>15 A. Dave is a senior -- I hope I have</p> <p>16 his card here. He just got a new card. Senior</p> <p>17 process -- it is more than a process -- maybe</p> <p>18 you can help me on this. He goes into a</p> <p>19 company and sees what they need for software</p> <p>20 and then he tells them what software they're to</p> <p>21 use.</p> <p>22 Q. Is he a consultant?</p> <p>23 A. Senior consultant, yes.</p> <p>24 Q. Computer consultant?</p> <p>25 A. Right. He designs or initiates the</p>

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<p style="text-align: right;">Page 45</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 software. He is going to kill me. He is going</p> <p>3 to say, "He asked you for the damn card and you</p> <p>4 didn't have one."</p> <p>5 Q. Do any of your children own all or</p> <p>6 part of their businesses?</p> <p>7 A. No. At this time, no.</p> <p>8 Q. Have they ever?</p> <p>9 A. Barry did. He had an auto garage,</p> <p>10 auto repair garage.</p> <p>11 Q. How big was the garage or how many</p> <p>12 employees?</p> <p>13 A. Employees? Two.</p> <p>14 Q. Has anybody in your family ever</p> <p>15 sought or attained a professional license to</p> <p>16 sell real estate or securities or insurance?</p> <p>17 A. No, sir.</p> <p>18 Q. Does anybody in your family or any</p> <p>19 of your friends work for an insurance company?</p> <p>20 A. No, sir.</p> <p>21 Q. Do you have any friends or family</p> <p>22 that sell insurance?</p> <p>23 A. Do I have friends of family --</p> <p>24 Q. Friends or family that sell</p> <p>25 insurance?</p>	<p style="text-align: right;">Page 47</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 MR. LESKO: Fair enough.</p> <p>3 Q. Do you own any securities, any</p> <p>4 stock?</p> <p>5 A. No, sir.</p> <p>6 Q. Do you own any bonds?</p> <p>7 A. No, sir.</p> <p>8 Q. Have you ever owned stocks or bonds?</p> <p>9 A. Yes, sir.</p> <p>10 Q. When was the last time you owned</p> <p>11 stocks or bonds?</p> <p>12 A. When I was still working for U.S.</p> <p>13 Steel. I owned stock.</p> <p>14 Q. Did you hold the stock in a</p> <p>15 retirement account?</p> <p>16 A. I don't know what you determine as</p> <p>17 that. It was the withdrawal from our wages. I</p> <p>18 can't even recall the amount that was withdrawn</p> <p>19 -- but we would purchase a certain percentage</p> <p>20 of stock every pay.</p> <p>21 Q. Was that U.S. Steel stock?</p> <p>22 A. Yes.</p> <p>23 Q. Have you ever owned stock other than</p> <p>24 U.S. Steel?</p> <p>25 A. I am trying to remember the name of</p>
<p style="text-align: right;">Page 46</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. No, sir.</p> <p>3 Q. I am going to assume, Mr. Wycoff,</p> <p>4 that you have some bank accounts; is that</p> <p>5 right? Checking and savings account?</p> <p>6 A. Um-hum.</p> <p>7 Q. You have both checking and savings</p> <p>8 accounts?</p> <p>9 A. Checking.</p> <p>10 Q. Just a checking?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Do you have any investment accounts,</p> <p>13 such as an IRA or 401-K or some kind of</p> <p>14 retirement savings account?</p> <p>15 A. No, sir.</p> <p>16 Q. Do you have any other investment</p> <p>17 accounts, such as mutual funds?</p> <p>18 A. No, sir.</p> <p>19 MR. BARTHOLOMAEI: Objection to</p> <p>20 form. Only reason I say that, I don't think</p> <p>21 there's any testimony that he has any</p> <p>22 investment accounts.</p> <p>23 MR. LESKO: I said other</p> <p>24 investment accounts.</p> <p>25 MR. BARTHOLOMAEI: All right.</p>	<p style="text-align: right;">Page 48</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 the company. I got burned on that sucker. It</p> <p>3 had something to do with -- no, it wasn't. No,</p> <p>4 no. It wasn't that stock.</p> <p>5 Q. Well, that stock that you can't</p> <p>6 remember the name of, how did you buy it?</p> <p>7 A. Stock market. They advertised it --</p> <p>8 I heard it from a couple of other foremen at</p> <p>9 work. They said it seems like it is a good --</p> <p>10 had something to do with the space program.</p> <p>11 The reason why I hesitated on the</p> <p>12 stock, it wasn't Rockwell stock, but it had</p> <p>13 something to do with the Rockwell name. Either</p> <p>14 Rockwell was -- one of the Rockwells was in</p> <p>15 management of this company, and it had to do</p> <p>16 with -- and I can't remember the name of the</p> <p>17 damn thing.</p> <p>18 Q. You bought the stock independently?</p> <p>19 A. \$200 worth of stock. That's all it</p> <p>20 was.</p> <p>21 Q. Through a broker?</p> <p>22 A. Yeah.</p> <p>23 Q. Other than that stock, no other</p> <p>24 stock?</p> <p>25 A. That's it.</p>

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1 R. Wycoff - by Mr. Lesko
2 Q. Never owned any other stock?
3 A. No, sir.
4 Q. The U.S. Steel stock, did that ever
5 pay you a dividend?
6 A. Did that ever pay me a dividend? I
7 don't believe.
8 Q. Is it possible you might have
9 received a dividend that was automatically
10 reinvested in more U.S. Steel stock?
11 A. I really can't remember.
12 Q. You don't know?
13 A. No.
14 Q. What did you do with the U.S. Steel
15 stock? Did you sell it?
16 A. I cashed it in to have home
17 improvements.
18 Q. About how long ago was that? Was
19 that right around the time you retired or
20 sometime before that?
21 A. Prior to me retiring. Prior to me
22 selling my home.
23 Q. Who prepares your tax returns?
24 A. I did myself for a while for a
25 handful of years.

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1 R. Wycoff - by Mr. Lesko
2 Q. All right.
3 A. Up until the time that I -- the year
4 it was necessary for me to put down about the
5 bonds, or the stock, rather. That's when I
6 went to H & R Block. From that time on, I went
7 to H & R Block.
8 Q. Okay. Have you ever consulted a
9 financial adviser or financial planner?
10 A. No, sir.
11 Q. Do you know anybody who works as a
12 financial planner?
13 A. No, sir.
14 Q. Mr. Wycoff, during the course of
15 this litigation, you produced, presumably to
16 your attorneys, who then produced to us,
17 documents relating to MetLife and other
18 insurance companies.
19 Do you recall that?
20 A. Documents?
21 Q. Yes. Papers concerning insurance
22 policies with MetLife and other insurance
23 companies.
24 Do you recall producing those
25 documents?

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1 R. Wycoff - by Mr. Lesko
2 A. I produced an insurance policy. I
3 don't understand what you mean by papers.
4 Q. Well, I am including the insurance
5 policies in that question. You produced
6 insurance policies, you produced some annual
7 statements, you produced some letters between
8 MetLife and yourself; things of that nature.
9 A. I can make a statement that I tried
10 to produce everything that you were asking.
11 Q. I understand.
12 A. So if those papers were among what I
13 produced...
14 Q. Right. I am trying to establish
15 whether or not you recall producing those
16 documents, actually gathering them and
17 providing them to your attorneys?
18 MR. BARTHOLOMAEI: He is not
19 saying you did anything wrong. He is just
20 asking you if you remember giving them to us.
21 A. Yes. If you are trying to pinpoint
22 how many times I did this --
23 Q. No. Here's what I'm getting at: I
24 was going to ask you where did you get the
25 documents from? Where did you keep them?

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1 R. Wycoff - by Mr. Lesko
2 A. Oh. At home.
3 Q. At home where? In a box? In a
4 drawer? In a file?
5 A. In a steel box with the rest of the
6 insurance policies.
7 Q. Okay.
8 A. It is an old metal box. I bet I
9 have had this box for -- I don't know how long.
10 Q. You kept all of your papers relating
11 to your insurance policies in that box?
12 A. That's right.
13 Q. Did you keep anything else in the
14 box, other than papers relating to insurance
15 policies?
16 A. No.
17 Q. Now, when you say papers relating to
18 insurance policies, do you mean papers relating
19 to all insurance policies that you have ever
20 had, or just the MetLife policies?
21 A. All the insurance policies.
22 Q. Were they organized in any fashion
23 in the box or did you just throw them in there?
24 A. Just in the box.
25 Q. Okay. All right. Great. Did you

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1 R. Wycoff - by Mr. Lesko
2 put every piece of paper that you received,
3 regarding the insurance policies, in the box,
4 or did you sometimes throw stuff out?
5 A. Everything that I had pertaining to
6 insurance policies would have been the
7 insurance policies themselves. They were all
8 in the box.
9 Q. You receive annual statements, don't
10 you, for the MetLife policies that you own?
11 A. That, we kept, staples, yes. Wife
12 made sure she kept those.
13 Q. That came in the mail, those
14 statements?
15 A. Yes.
16 Q. Once you got them in the mail, what
17 would do you with them? Put them in a box or
18 somewhere else?
19 A. No. They went with our canceled
20 checks, I believe, in that area.
21 Q. Maybe we are referring to two
22 different things. I am referring to annual
23 statements, just outlining how the policy is
24 performing, as opposed to billing statements?
25 MR. BARTHOLOMAEI: If you don't

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1 R. Wycoff - by Mr. Lesko
2 know what he is talking about, I don't want you
3 to guess. Maybe he will show you one later in
4 the deposition and you can identify it.
5 A. I don't know. When you are saying
6 papers, you know, the only thing we got was
7 dividend things that come in the mail, going
8 back in extra insurance. I wouldn't even count
9 that as a paper.
10 Q. Just a little slip?
11 A. Right.
12 Q. What did you do with those little
13 slips? Did you throw them out or keep them in
14 the box or did you do something else with them?
15 As a general rule, I am talking about now,
16 not -- it's my understanding --
17 A. Pretty much -- my wife opens up most
18 of the mail. I do, too, but she does --
19 because I am not there during the day.
20 Q. Right.
21 A. I don't know. I really don't. I
22 really don't. I know she keeps bank statements
23 or something like that.
24 Q. So your wife is responsible for
25 deciding what you all keep and what you

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1 R. Wycoff - by Mr. Lesko
2 discard; is that right?
3 A. Well, give or take.
4 Q. She may ask you whether or not you
5 want to keep it, but, otherwise, she is the
6 first person in that process; is that right?
7 A. I would say so, yes.
8 Q. All I am trying to determine, here,
9 Mr. Wycoff, is whether you have kept everything
10 that you have been provided by MetLife or, you
11 know, discarded some stuff that you thought
12 might have been irrelevant.
13 A. I can say this: Whatever I had or
14 whatever we had, including my wife and myself,
15 I produced.
16 Q. What I am trying to establish is
17 what you had. In other words, is what you had
18 and what you produced --
19 A. Tell you the truth, I can't even
20 answer that now, because what I gave, what I
21 tried to turn in, what I did turn in, I can't
22 even tell you what it was that I turned in.
23 Everything at that time, I gave what
24 you wanted, to the best of my ability.
25 Q. I understand.

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1 R. Wycoff - by Mr. Lesko
2 A. I have nothing else.
3 Q. I understand. I have no reason to
4 doubt that.
5 A. Whether you want to call them papers
6 or forms, or slips of paper, you know...
7 Q. Anything that you received from --
8 we will limit it to MetLife?
9 A. Emptied everything out.
10 Q. What I am trying to establish is
11 whatever you might have received in the mail or
12 what a MetLife insurance agent might have given
13 you, I am trying to determine whether
14 everything you ever received from MetLife or a
15 MetLife agent made it into this box which was
16 ultimately produced to us.
17 Conversely, is it possible you
18 received some material that you perceived as
19 junk mail or otherwise irrelevant and you
20 tossed it in the garbage instead of cluttering
21 your box?
22 Do you understand what I am asking
23 for?
24 A. If it had to do with insurance, I
25 would have seen it. I don't recall seeing

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<p style="text-align: right;">Page 57</p> <p>1 R. Wycoff - by Mr. Lesko 2 anything like that. 3 Q. I don't think we got there yet. 4 A. My wife doesn't get involved with 5 insurance issues, what have you. She lets me 6 take care of that. 7 Q. Let me ask you this: I receive a 8 lot of -- by way of example, I receive a lot of 9 junk mail every day from various financial 10 institutions, insurance companies or otherwise, 11 which I immediately determine is junk mail. I 12 have no time to read it. I throw them in the 13 garbage. 14 Or if I do read it, I find it is 15 irrelevant and I don't need it, don't save it 16 and throw in the garbage. 17 What I am trying to determine is 18 whether or not you have received some mail from 19 MetLife over the years that, perhaps, you 20 determined you didn't need? 21 A. Pertaining to what? 22 Q. Pertaining to anything. Pertaining 23 to insurance policies? 24 MR. BARTHOLOMAEI: I am going 25 to object to the form. I think it's way too</p>	<p style="text-align: right;">Page 59</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. I can't be sure. 3 Q. Are you certain that your wife saved 4 every piece of mail from MetLife addressed to 5 you that she opened? 6 A. I would say so, yes. 7 Q. You are certain of that? 8 A. I would say so. 9 Q. Did you ask her that question? 10 A. I know my wife. 11 Q. So your answer is just based upon 12 your familiarity with your wife? 13 A. That's correct. 14 Q. Good enough. During the course of 15 your employment with U.S. Steel -- let me back 16 up: 17 Are you certain that you have 18 maintained all records pertaining to any other 19 insurance policy, other than MetLife policies, 20 as well? 21 A. Yes. 22 Q. During the course of your employment 23 with U.S. Steel, did you ever receive a 24 benefits binder? 25 A. Benefits binder?</p>
<p style="text-align: right;">Page 58</p> <p>1 R. Wycoff - by Mr. Lesko 2 general the way you are asking the question. 3 He testified about his wife. Sometimes she 4 opens the mail and she might determine that 5 it's something they don't want to keep. Maybe 6 if you can show him specific documents -- 7 MR. LESKO: I got it. 8 MR. BARTHOLOMAEI: -- he might 9 be able to identify if he keeps those. 10 MR. LESKO: I understand your 11 objection. 12 Q. Let me ask you this question: Yes 13 or no. Are you certain that you have kept 14 every piece of paper sent to you by MetLife 15 relating to the policies that have been issued 16 in this litigation? Are you certain that you 17 have? 18 A. Yeah. 19 Q. You're certain that you have every 20 piece of information MetLife has ever provided? 21 A. If it was addressed to me, and I 22 opened it up, I would say yes. 23 Q. Okay. Are you certain that you 24 opened up every piece of mail from MetLife that 25 was addressed to you?</p>	<p style="text-align: right;">Page 60</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: Object to 3 the form of the question. Are you talking 4 about a physical binder, like a three-ring 5 binder, or are you talking about a binder in 6 the context of an insurance term, binder? 7 MR. LESKO: I was talking about 8 a three-ring binder. 9 MR. BARTHOLOMAEI: Okay. Do 10 you know what that is? 11 MR. LESKO: Or some other kind 12 of binder. 13 A. Like a loose-leaf binder? 14 Q. Yes. 15 A. Not that I know of. 16 Q. You received benefits through the 17 course of your employment from U.S. Steel; is 18 that right? I am talking about life insurance, 19 health insurance, disability insurance 20 benefits? 21 MR. BARTHOLOMAEI: Objection to 22 the form. 23 A. You mean hospitalization through 24 U.S. Steel? Is that what you're talking about? 25 Q. Yes.</p>

15 (Pages 57 to 60)

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<p style="text-align: right;">Page 61</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Certainly. 3 Q. You received life insurance benefits 4 though U.S. Steel, as well; is that right? 5 A. Life insurance policies. 6 Q. Life insurance coverage? 7 A. Yes. 8 Q. Put it that way. 9 A. Yes. 10 Q. Okay. Did you ever receive a 11 booklet or any other document that described or 12 listed those benefits for you? 13 A. No. 14 Q. Did you ever receive something 15 called the Summary Plan Description relating to 16 your employee benefits at U.S. Steel? 17 A. No. 18 Q. I take it then that you don't have 19 any such documents at home? 20 A. That's correct. 21 Q. Which means if you did receive it, 22 you didn't keep it; is that right? 23 A. I just said I didn't receive it. 24 Q. I understand. If you are mistaken 25 and you did receive it, then you didn't keep</p>	<p style="text-align: right;">Page 63</p> <p>1 R. Wycoff - by Mr. Lesko 2 Don't say anything. 3 Q. Mr. Wycoff, list for me all the 4 policies of life insurance, other than MetLife 5 insurance, that you own, please. 6 MR. BARTHOLOMAEI: Did you say 7 own? 8 MR. LESKO: That he owns, yes. 9 MR. BARTHOLOMAEI: Okay. 10 A. I have a policy with Knights of 11 Columbus. 12 Q. What is the Policy Number of that 13 policy? What is the Policy Number for the 14 Knights of Columbus policy? 15 A. I don't know. 16 Q. You forgot? 17 A. I don't know. 18 Q. Did you ever know? 19 A. Policy Number? 20 Q. Did you ever know the Policy Number? 21 A. Off by heart? No. 22 Q. How many policies do you have with 23 Knights of Columbus? 24 A. One. 25 Q. When did you apply for that policy?</p>
<p style="text-align: right;">Page 62</p> <p>1 R. Wycoff - by Mr. Lesko 2 it; is that right? 3 MR. BARTHOLOMAEI: Ahh. 4 Objection to form. 5 A. If I'm saying that I didn't receive 6 it, how could I be mistaken? 7 Q. Have you ever made a mistake before, 8 sir? 9 MR. BARTHOLOMAEI: Objection. 10 Don't answer that. 11 Q. Are you saying that you have never 12 made a mistake before? 13 MR. BARTHOLOMAEI: Don't 14 answer. 15 Q. Isn't that what you just told me? 16 Have you ever forgotten something before? 17 MR. BARTHOLOMAEI: Don't 18 answer. Wait until he gets through with a 19 real question. Then we will go on with the 20 deposition. Go on. I am directing him not to 21 answer. Ask your next question. 22 MR. LESKO: There's no basis 23 for that direction, Mr. Bartholomaei. 24 MR. BARTHOLOMAEI: Take it up 25 with the court. Ask your next question.</p>	<p style="text-align: right;">Page 64</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. When I joined the Knights of 3 Columbus. Now, when was that? I can't 4 remember. 5 Q. You can't remember? 6 A. I can't remember, no. 7 Q. Any other life insurance policies? 8 A. Yes, I have two policies with 9 Prudential. 10 Q. Any others? 11 A. No. Other than Metropolitan Life. 12 Q. What are the amounts of insurance 13 coverage provided -- what is the amount of 14 insurance coverage provided under the Knights 15 of Columbus policies, if you recall? 16 A. Knights of Columbus is one thousand 17 dollars. 18 Q. How about the Prudential policies? 19 A. One policy is for 10,000, and the 20 other policy is for 5,000. 21 Q. Did you purchase those -- the 22 Prudential Insurance Company policies through 23 an agent or a broker? 24 A. Through an agent. 25 Q. Do you remember his name?</p>

16 (Pages 61 to 64)

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1 R. Wycoff - by Mr. Lesko
2 A. Mr. Seddan.
3 Q. Mr. Seddan?
4 A. Yes.
5 Q. How do you know Mr. Seddan?
6 A. He was the insurance agent, I
7 believe, for my mother. It was through him.
8 S-E-D-D-A-N, I believe. I believe you'll have
9 all the information there.
10 MR. LESKO: Let's mark these as
11 Exhibits 2 through 4.
12 (Wycoff Exhibit Nos. 2-4 were
13 marked for identification.)
14 Q. Was there an agent through whom you
15 purchased the Knights of Columbus policy?
16 A. I know there was an agent, but I
17 can't remember his name.
18 Q. Let me hand you what has been marked
19 as Exhibit 2; Exhibit 3, Exhibit 4 and we will
20 refer to them in the next couple of minutes.
21 MR. LESKO: Exhibit 2, for the
22 record, is -- consists of a life insurance
23 policy issued by the Knights of Columbus. The
24 Policy Number is K 6302. It may be K 36021.
25 It also contains some other -- at

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1 R. Wycoff - by Mr. Lesko
2 least one other document which appears to
3 relate to that policy.
4 For the record, the Bates numbers on
5 the exhibit are RGW 000065 through 78.
6 Exhibit 3 is a Prudential policy
7 No. D 80672264 and some related documents. For
8 the record, the Bates numbers RGW 000079
9 through 116.
10 Exhibit 4 is another Prudential
11 policy and may or may not be some related
12 documents in that exhibit. It is Bates numbers
13 RGW 0000117 through 128.
14 I looked on the back of Exhibit 2 in
15 the application portion, Mr. Wycoff. I was
16 trying to find the agent's name. If it's
17 there, it's illegible, the signature. So...
18 A. Okay.
19 Q. Exhibit 2 is the -- yes, that's it
20 (indicating). Whatever this agent's name was
21 who sold you the Knights of Columbus policy,
22 did you know him before you purchased the
23 policy from him?
24 A. No.
25 Q. Did you meet with this agent before

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1 R. Wycoff - by Mr. Lesko
2 purchasing the policy?
3 A. I am trying to think back. A group
4 of us joined the Knights of Columbus at the
5 same time. Whether the agent came out to the
6 council and was talking about insurance and if
7 he took names down pertaining to who would be
8 interested in purchasing insurance...
9 Q. Okay. Mr. Wycoff, for
10 clarification, are you thinking out loud now or
11 telling us your recollection?
12 A. I'm just thinking out loud. I
13 remember meeting an agent, but I don't remember
14 where it was.
15 Q. But you remember it was about the
16 Knights of Columbus policy?
17 A. Yes.
18 Q. Do you remember whether or who was
19 present for your meeting?
20 A. No, I can't. Even looking at it, I
21 can't.
22 Q. That was -- well, do you remember
23 when you met with the agent?
24 A. You mean prior to signing the --
25 Q. I guess you looked at the

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1 R. Wycoff - by Mr. Lesko
2 application. Without looking at the
3 application, do you independently recall when
4 it was that you met with the agent?
5 A. When it was?
6 Q. What year?
7 A. Do you want a year?
8 Q. Yes.
9 A. No. I can't remember a year.
10 Q. If you do look at the application,
11 it appears to be signed in 1970. It might be
12 September 4, 1970.
13 Does that refresh your recollection
14 as to when you met with him?
15 A. No.
16 Q. Is this policy still in force?
17 A. Yes, sir.
18 Q. Other than the documents that are in
19 front of you, marked as Exhibit 2, do you have
20 any other documents relating to this policy at
21 all?
22 A. No, sir.
23 Q. How was the premium paid on this
24 policy?
25 A. How was it paid?

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<p>1 R. Wycoff - by Mr. Lesko 2 Q. Yes. Do you pay it monthly? 3 Yearly? Semiannually? 4 A. It's not annually, not semiannually. 5 Q. Okay. 6 A. I am trying to look at the figures 7 here. It must be quarterly. 8 Q. Do you know whether you're still 9 paying on this policy? Are you still paying a 10 premium for this policy on a periodic basis? 11 A. I believe so, yes. 12 Q. How was it paid? Was it paid by 13 check in the mail or paid through automatic 14 withdrawal from your checking account or some 15 other way? 16 A. Check. 17 Q. So you get a bill periodically? 18 A. Canceled check. 19 Q. And then somebody pays it? 20 A. Yes. 21 Q. Do you handle the household bills or 22 does your wife do that? 23 A. Wife does that. 24 Q. Put that aside. The Prudential 25 policy, marked as Exhibit 3, you mentioned that</p>	<p>1 R. Wycoff - by Mr. Lesko 2 before today? 3 A. Whatever dividends we get goes right 4 back into the insurance. 5 Q. On the Knights of Columbus policy? 6 A. Yeah, on the Knights of Columbus 7 policy. 8 Q. Actually, flip for me to page 76, 9 Bates No. 76, please. 10 A. Okay. 11 Q. Now, on the left-hand side of the 12 page, about halfway down, there is a question 13 or an item No. 15. Do you see that? Left-hand 14 side. It's difficult to read. The copy 15 quality is difficult to read. 16 Have you read item No. 15 there, 17 Mr. Wycoff? 18 A. I am trying to. 19 Q. Let me read it for the record and 20 tell me if I read it wrong. "Any dividends 21 apportionable under the benefits certificate 22 hereby applied for are to be." It gives some 23 options. Option No. 3 is checked. It says, 24 "Deposit with interest." 25 Do you see that?</p>
Page 70	Page 72
<p>1 R. Wycoff - by Mr. Lesko 2 the agent or broker who sold you that policy is 3 Mr. Seddan; right? 4 A. Yes, sir. 5 Q. It's Robert Seddan? 6 A. Yes, sir. 7 Q. Do you remember when you met with 8 Mr. Seddan to purchase that policy? 9 A. I see here it says April 1, 1985. I 10 don't remember that date, no. 11 Q. Just look back at Exhibit 2 for one 12 moment, sir. Flip to page 5 of the policy. 13 It's Bates No. 70. In the lower right-hand 14 corner you will see the number 70. 15 A. Okay. 16 Q. You see in the right-hand column, 17 near the top, there is a section called, "14, 18 dividends." Do you see that? 19 A. Yes. 20 Q. Did you know this policy provides 21 for payment of dividends? 22 MR. BARTHOLOMAEI: Objection to 23 form. 24 A. Did I know it had dividends? 25 Q. Have you ever read this policy</p>	<p>1 R. Wycoff - by Mr. Lesko 2 A. Yes, I do. 3 Q. There is another option there that 4 says, No. 2, "Apply to reduced contributions." 5 No. 4 is "Apply to purchase paid-up additions." 6 Do you see that? 7 A. Um-hum. 8 Q. Do you know what paid-up additions 9 are? 10 A. No, sir. 11 Q. Have you ever heard the phrase 12 paid-up additional insurance? Have you heard 13 that phrase before or no? 14 A. I don't remember. 15 Q. You said a moment ago that whatever 16 dividends you got under the policy would have 17 been -- would have gone directly to insurance; 18 is that right? 19 A. I am pretty sure that's what we have 20 under the policy. 21 Q. What do you mean by that? I didn't 22 mean to interrupt you. What do you mean by it 23 would go directly into insurance? I may be 24 misquoting you. That's the gist of what you 25 said.</p>

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1 R. Wycoff - by Mr. Lesko
2 A. It goes to purchase additional
3 insurance, the dividends. We don't receive
4 cash money from the dividends.
5 It just goes to purchase more
6 insurance.
7 Q. Thereby, increase the death benefit
8 under the policy; correct?
9 A. Correct.
10 Q. Now, having seen this item No. 15 in
11 the application, does that refresh your
12 recollection as to how dividends paid under
13 this policy, the Knights of Columbus policy,
14 are handled?
15 A. It says here, "Deposit with
16 interest."
17 Q. Right. So does that indicate that
18 the dividends are deposited with the insurance
19 company and paid interest?
20 A. I guess it is.
21 MR. BARTHOLOMAEI: Don't guess
22 at the answer, Mr. Wycoff. Just give the
23 answer the best that you can.
24 A. "Deposit with interest."
25 MR. BARTHOLOMAEI: He is asking

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1 R. Wycoff - by Mr. Lesko
2 if it refreshes your recollection as to how the
3 dividends are applied in your Knights of
4 Columbus policy. Does it?
5 A. Yes.
6 Q. Okay. How are those dividends
7 applied?
8 A. I can't say, "I guess."
9 Q. What is your understanding of how
10 the dividends are applied, based on your
11 reading of this item of the application?
12 A. "Deposit with interest."
13 (Reviewing document.)
14 A. Does that mean -- I can't answer you
15 with a question?
16 Q. No, you can't. If you cannot
17 formulate an understanding based upon that,
18 that's your answer. If you have an
19 understanding, based upon your reading of the
20 application or that item of the application,
21 let me know what it is.
22 A. I would say no, I don't understand.
23 Q. No understanding, okay. Do you
24 still think that the dividends under the
25 Knights of Columbus policy are applied to buy

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1 R. Wycoff - by Mr. Lesko
2 additional insurance?
3 A. I can see here it isn't.
4 Q. Flip back to page 70 for me, please.
5 MR. BARTHOLOMAEI: Page 70,
6 Mr. Wycoff.
7 THE WITNESS: Sorry.
8 A. Okay.
9 Q. We were looking at this provision
10 before. It is No. 14, Dividends. Do you see
11 that?
12 A. Okay.
13 Q. The first paragraph, the last
14 sentence of the first paragraph says, "The
15 person in control of the certificate may, on
16 each dividend due date, elect to have the
17 dividend."
18 Then it gives options. Option C is
19 "left on deposit and credited annually with
20 interest at the rate declared by the order from
21 time to time but not less than two percent per
22 annum."
23 Do you see that?
24 A. Yes, I see that.
25 Q. Now, having read that provision and

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1 R. Wycoff - by Mr. Lesko
2 having seen item No. 15 on the application
3 which indicates an election to deposit with
4 interest, do you now have an understanding as
5 to what the disposition of your dividends,
6 under this Knights of Columbus policy, is?
7 A. (Reviewing document.) I don't know.
8 "Left on deposit and credited annually with
9 interest at the rate declared by The Order from
10 time to time" -- what do they mean at the rate
11 declared by The Order from time to time? What
12 do they mean by that? What is The Order?
13 Q. I can't answer your questions.
14 But --
15 A. It must be the Knights of Columbus
16 Order or the home office, I guess.
17 Q. Is the Knights of Columbus sometimes
18 referred to as The Order, or The Order of the
19 Knights of Columbus?
20 A. You're right. When you read this
21 and you're talking about insurance...
22 Q. Do you recall whether or not the
23 agent that sold you this policy told you that
24 the policy pays dividends?
25 A. No, I can't say that.

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1 R. Wycoff - by Mr. Lesko
2 Q. Before looking at this provision
3 today, did you know that this policy paid
4 dividends?
5 A. To my knowledge, I would say no.
6 Q. You didn't know it?
7 A. I didn't know it.
8 Q. Again, I think I might have asked
9 you this question. I want to make sure.
10 Please keep that in front of you.
11 Did you ever read this policy before
12 today?
13 A. I don't believe so, no.
14 Q. Do you recall whether the agent --
15 strike that. Do you recall how you received
16 the policy? Was it in the mail or did somebody
17 deliver it to you?
18 A. I can't remember. I can't remember.
19 Q. Okay. Look at page 76 again for me
20 for a moment, please.
21 A. Okay.
22 Q. The handwriting, providing
23 information in response to the questions, is
24 that your handwriting?
25 Do you recognize this as yours?

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1 R. Wycoff - by Mr. Lesko
2 A. Yes, this looks like mine.
3 Q. Okay.
4 A. Yes, that looks like mine.
5 Q. You can put that aside now,
6 Mr. Wycoff. I want to take a look at Exhibit
7 3, which is one of the Prudential policies and
8 related documents.
9 The agent or broker who sold you
10 this policy was Mr. Seddan; is that right?
11 A. Seddan, yes.
12 Q. Do you remember -- strike that. Did
13 you meet with Mr. Seddan before you purchased
14 this policy?
15 MR. BARTHOLOMAEI: Objection.
16 Form.
17 A. I don't know.
18 Q. Okay.
19 A. I can't remember.
20 MR. LESKO: What is the basis
21 for the objection?
22 MR. BARTHOLOMAEI: Lack of
23 foundation. I will say the same thing for the
24 last policy. You never had him identify the
25 policy. It is just a basic thing you do when

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1 R. Wycoff - by Mr. Lesko
2 you show someone a document.
3 I will keep objecting until do you
4 that with the documents, including this one and
5 the future documents.
6 MR. LESKO: Okay.
7 Q. Take a look at Exhibit 2 for me,
8 please. Is the complete Knights of Columbus
9 insurance policy -- strike that.
10 Did you ever purchase a Knights of
11 Columbus insurance policy?
12 A. Did I ever purchase?
13 Q. I have to establish a foundation
14 based upon your lawyer's objection, Mr. Wycoff.
15 Did you ever purchase a policy?
16 A. Yes.
17 Q. Is that the policy that you
18 purchased?
19 A. Yes.
20 Q. You can put that aside. Did you
21 ever purchase a policy of life insurance from
22 Prudential Life Insurance Company?
23 A. Yes.
24 Q. Exhibit 3, is one of the policies
25 that you purchased from Prudential contained

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1 R. Wycoff - by Mr. Lesko
2 within that exhibit?
3 A. I can't be sure unless I had the
4 policy here and check the policy number with
5 this Policy Number.
6 Q. Well, are you?
7 A. Are you asking me to go by what's
8 here?
9 Q. No. What I want you to do is flip
10 through that exhibit. As I mentioned before, I
11 acknowledge that some extraneous documents,
12 which are related to that policy, are attached.
13 But the policy's included, at least
14 to my understanding, it is included. If you
15 look starting on Bates No. 88 and going back
16 from there, I think that you will see what
17 purports to be a policy.
18 Can you tell me if that is the
19 policy or one of the policies that you
20 purchased from Prudential?
21 I will make the representation and
22 Mr. Bartholomaei can correct me if I'm wrong,
23 but the pages marked with the Bates number,
24 with the prefix, RGW, are documents which were
25 produced by your lawyers on your behalf in

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<p style="text-align: right;">Page 81</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 connection with this litigation. If that</p> <p>3 helps.</p> <p>4 A. What was the question again?</p> <p>5 Q. Is that one of the policies that you</p> <p>6 purchased from Prudential?</p> <p>7 A. (Reviewing document.) You have my</p> <p>8 name spelled wrong. Let me see where the hell</p> <p>9 I signed it.</p> <p>10 Q. Take a look at page 113. Page 112</p> <p>11 and 113.</p> <p>12 A. Okay. (Reviewing document.) This</p> <p>13 isn't my writing, printing here. This has to</p> <p>14 be the agent's.</p> <p>15 Q. You're referring to the information</p> <p>16 provided in response to the questions?</p> <p>17 A. I guess that is. Spelled my name</p> <p>18 wrong. I never even noticed that until now.</p> <p>19 Q. Page 113 in the lower right-hand</p> <p>20 corner, is that your signature?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Let me ask you again: Is this one</p> <p>23 of the policies that you purchased from</p> <p>24 Prudential?</p> <p>25 A. Yes, it is.</p>	<p style="text-align: right;">Page 83</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 that range of documents, which are stapled</p> <p>3 together and marked as Exhibit 3.</p> <p>4 A. Yes.</p> <p>5 Q. That's the policy you purchased from</p> <p>6 Prudential; is that right?</p> <p>7 A. Yes.</p> <p>8 Q. Now that we have got that</p> <p>9 foundation, I can ask you some questions about</p> <p>10 it. Do you know whether or not this policy</p> <p>11 provides for payment of dividends? Did you say</p> <p>12 you believe it did?</p> <p>13 MR. BARTHOLOMAEI: He is not</p> <p>14 asking you to go through the policy and</p> <p>15 determine if it does. He is just asking for</p> <p>16 your recollection as to whether the policy pays</p> <p>17 dividends or not. You can go ahead and answer</p> <p>18 it, if you can.</p> <p>19 A. I don't know.</p> <p>20 Q. You have no recollection whether or</p> <p>21 not it pays dividends? I am not asking you</p> <p>22 whether it does or not. I want to know what</p> <p>23 your recollection, as to whether or not it pays</p> <p>24 benefits, is? If you have no recollection, you</p> <p>25 have no recollection.</p>
<p style="text-align: right;">Page 82</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 Q. Have you ever seen this document</p> <p>3 before? The policy, that is?</p> <p>4 A. As it is being presented to me here</p> <p>5 now?</p> <p>6 Q. Have you ever seen this policy, the</p> <p>7 original, or a copy, before?</p> <p>8 MR. BARTHOLOMAEI: He is</p> <p>9 talking about from 88 through 116; is that</p> <p>10 right?</p> <p>11 MR. LESKO: That's correct.</p> <p>12 MR. BARTHOLOMAEI: Are you</p> <p>13 including 116?</p> <p>14 MR. LESKO: I just want to know</p> <p>15 if the policy contained in this exhibit is the</p> <p>16 policy that he purchased from Prudential.</p> <p>17 MR. BARTHOLOMAEI: I am just</p> <p>18 trying to clarify for the record what you are</p> <p>19 claiming as the policy. Because you put</p> <p>20 together here -- starts with 79 and goes</p> <p>21 through 115. Apparently, only a portion of it</p> <p>22 is the policy.</p> <p>23 MR. LESKO: I am not claiming</p> <p>24 that any portion is the policy. I am asking</p> <p>25 whether or not the policy is contained within</p>	<p style="text-align: right;">Page 84</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 MR. BARTHOLOMAEI: Objection to</p> <p>3 form. Can you read that back, please.</p> <p>4 (Question read back.)</p> <p>5 MR. BARTHOLOMAEI: I am going</p> <p>6 to ask you to rephrase the question or ask it</p> <p>7 again. You said benefits. I think it is a</p> <p>8 little different than dividends.</p> <p>9 Q. Mr. Wycoff, I will tell you what.</p> <p>10 Look at page 88. Bottom of the page, right-</p> <p>11 hand side of the page. What does the last line</p> <p>12 say?</p> <p>13 A. "Eligible for annual dividends, as</p> <p>14 stated under dividends."</p> <p>15 Q. Does that refresh your recollection</p> <p>16 as to whether or not this policy pays dividends</p> <p>17 or is eligible to receive dividends?</p> <p>18 A. Yes. That's stated right there.</p> <p>19 Q. Okay.</p> <p>20 MR. BARTHOLOMAEI: He's not</p> <p>21 asking you to read it. He is asking you if it</p> <p>22 refreshes your recollection or helps you recall</p> <p>23 that the policy pays dividends. Okay? Do you</p> <p>24 understand the difference?</p> <p>25 Mr. Wycoff, Mr. Lesko is trying to</p>

21 (Pages 81 to 84)

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<p style="text-align: right;">Page 85</p> <p>1 R. Wycoff - by Mr. Lesko 2 get your best answer, your best recollection or 3 memory of things that have happened in the past 4 and things that, you know, are related to this 5 insurance policy. 6 He's not asking you to read this and 7 determine something. He's asking for your 8 recollection or memory as to whether it pays 9 dividends. 10 He is asking you, from reading this, 11 does it help you remember something. If it 12 does, tell him that it does. If it doesn't, 13 tell him that it doesn't. 14 Do you understand? 15 THE WITNESS: I understand 16 that. 17 MR. BARTHOLOMAEI: He is not 18 trying to trick you. He is just asking for 19 your best memory. 20 A. I would say yes. 21 Q. It does refresh your recollection? 22 A. I would say yes. 23 Q. I might add to that, Mr. Wycoff, it 24 didn't occur to me that you might be thinking 25 I'm trying to trick you.</p>	<p style="text-align: right;">Page 87</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. No, sir. 3 Q. Do you remember how it was delivered 4 to you? 5 A. No, sir. 6 Q. By that, I mean was it in the mail 7 or hand delivered? You don't recall? 8 A. I can't remember. 9 Q. Do you recall whether the agent, 10 Mr. Seddan, ever reviewed the policy with you 11 after it was issued? 12 A. I can't remember. I really can't. 13 Q. Do you recall meeting with 14 Mr. Seddan for purposes of applying for this 15 policy? 16 A. Do I remember? No, I don't 17 remember. 18 Q. As a point of reference, this policy 19 has a contract date of April 1st, 1985. The 20 application indicates that it was completed on 21 March 18th, 1985. 22 That would have been after you 23 retired from U.S. Steel; is that right? 24 A. Right. 25 Q. Does that refresh your recollection</p>
<p style="text-align: right;">Page 86</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: I wasn't 3 implying that he was thinking that. 4 MR. LESKO: I understand. But, 5 you know... 6 Q. I don't hold any allusions that I 7 could trick you into saying something that you 8 don't believe is true. I am going to try to 9 ask simple questions. If you know the answer, 10 you know the answer. If not, let me know 11 that. We will move on. We will get done 12 quicker. 13 A. I can be here all day. 14 Q. No one wants that. 15 MR. LESKO: Off the record. 16 (Discussion off record.) 17 (Short break.) 18 BY MR. LESKO: 19 Q. Are you all right to go ahead? 20 A. Yes. 21 Q. We were talking about the policy 22 which is included as part of Exhibit 3, issued 23 by Prudential. 24 Before today, have you ever read 25 this policy before?</p>	<p style="text-align: right;">Page 88</p> <p>1 R. Wycoff - by Mr. Lesko 2 as to whether or not you met with Mr. Seddan 3 regarding this policy? 4 A. No, it doesn't. 5 Q. Do you remember any conversations 6 with Mr. Seddan regarding this policy? 7 A. No. 8 Q. Do you recall whether or not 9 Mr. Seddan contacted you, or you contacted 10 Mr. Seddan for purposes of applying for this 11 policy? 12 A. Ask that question again. 13 Q. Do you recall who initiated the 14 contact prior to -- strike that. That's poorly 15 worded. 16 Do you recall whether Mr. Seddan 17 contacted you to sell you this policy? 18 A. It would have been me. 19 Q. So you would have contacted 20 Mr. Seddan to purchase this policy? 21 A. Yes. 22 Q. Do you recall now your conversation 23 with Mr. Seddan, or you just don't remember? 24 A. No, I don't. 25 Q. Okay. This policy has a face amount</p>

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<p style="text-align: right;">Page 89</p> <p>1 R. Wycoff - by Mr. Lesko 2 of \$10,000; is that right? 3 A. That's correct. 4 Q. Do you recall why you decided to 5 purchase this policy? What was your objective 6 in purchasing this policy? 7 A. To have extra insurance. 8 Q. Why did you want extra insurance? 9 A. Primarily, for my family, my wife. 10 Q. So you just wanted to increase the 11 amount of money that you would leave for them 12 upon your passing; is that right? 13 A. That's correct. 14 Q. It wasn't for any other purpose; 15 such as to cover funeral expenses, for example, 16 or was it? 17 A. I can't determine that. I mean, it 18 was extra insurance. 19 Q. Okay. Would you turn, please, for 20 me, to page 83 in that exhibit. That page has 21 copies of three business cards on it; is that 22 right? 23 A. It appears to be. 24 Q. Do you know who the people are that 25 are identified on those business cards?</p>	<p style="text-align: right;">Page 91</p> <p>1 R. Wycoff - by Mr. Lesko 2 Q. Did you receive them every year? I 3 will strike that. Have you received them every 4 year since this policy was issued in 1985? 5 A. I can't say for sure if we did every 6 year. 7 Q. Do you recall whether you saved all 8 of the annual letters that you received from 9 Prudential? 10 A. That came through the mail? 11 Q. Did you save them all? 12 A. I would say so, yes. 13 Q. Where do you keep the annual letters 14 that you receive from Prudential? 15 A. I keep those with my income tax 16 stuff, I believe. 17 Q. The annual letters? 18 A. Yes. If it had to do with dividends 19 or additional insurance or what have you. 20 Q. This page, the first page of Exhibit 21 3, was this kept with your tax returns? 22 A. This one -- if it's pertaining to 23 dividends, yes. If it's not pertaining to 24 dividends, no. Because dividends, I always 25 make sure that I turn it in to my income tax,</p>
<p style="text-align: right;">Page 90</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. Do I know them? 3 Q. Yes. Have you ever met them? 4 A. I don't recall those names. I don't 5 know. 6 Q. Do you have any understanding as to 7 why these three business cards were in your 8 files? 9 A. Do I know why they were there? 10 Q. Yes. 11 A. No. 12 Q. The first page of Exhibit 3 is a 13 letter dated November 13, 1995 from Prudential 14 to you. 15 Do you see that? 16 A. Yes. 17 Q. The first sentence says, "This 18 annual letter is intended to update you about 19 your policy and its values." 20 Do you see that? 21 A. Yes. 22 Q. Do you recall receiving annual 23 letters from Prudential to update you about 24 your policy and its values? 25 A. Yes.</p>	<p style="text-align: right;">Page 92</p> <p>1 R. Wycoff - by Mr. Lesko 2 on my income tax. This wouldn't have anything 3 to do with income taxes. 4 Q. So anything you received from 5 Prudential, any annual letter you received from 6 Prudential that did not refer to dividends, 7 would be kept with your Prudential documents, 8 your Prudential papers; is that right? 9 A. No. No. No. 10 Q. If it's not kept with your 11 Prudential papers, not kept with your dividend, 12 where would you keep it? 13 A. Something like this would be kept -- 14 I really don't know. 15 Q. Are you certain that you kept all of 16 the annual statements, annual letters, sent by 17 Prudential? 18 A. Annual letters? 19 Q. Yes. This is an annual letter; is 20 that right? 21 A. (Reviewing document.) Ask that 22 question again. 23 Q. Are you certain that you kept all of 24 the annual letters provided to you by 25 Prudential?</p>

23 (Pages 89 to 92)

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<p style="text-align: right;">Page 93</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 MR. BARTHOLOMAEI: What annual</p> <p>3 letters are you talking about?</p> <p>4 Q. Mr. Wycoff, can you look at the</p> <p>5 first sentence of this letter again. Tell me</p> <p>6 what it says, the first three words.</p> <p>7 A. "This annual letter."</p> <p>8 Q. Does that imply this letter was</p> <p>9 provided annually?</p> <p>10 A. Yes.</p> <p>11 Q. I am referring to this as an annual</p> <p>12 letter. Have you -- are you certain that you</p> <p>13 kept all of the annual letters provided to you</p> <p>14 by Prudential?</p> <p>15 MR. BARTHOLOMAEI: Objection to</p> <p>16 form.</p> <p>17 Q. If you are not certain, the answer</p> <p>18 is no.</p> <p>19 MR. BARTHOLOMAEI: That is not</p> <p>20 the answer, if he's not certain.</p> <p>21 MR. LESKO: The question is:</p> <p>22 Is he certain that he kept all of the annual</p> <p>23 letters. If he's not certain, the answer is</p> <p>24 no.</p> <p>25 MR. BARTHOLOMAEI: I will tell</p>	<p style="text-align: right;">Page 95</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 MR. LESKO: Excuse me,</p> <p>3 professor.</p> <p>4 MR. BARTHOLOMAEI: That's the</p> <p>5 way it should work.</p> <p>6 MR. LESKO: Excuse me,</p> <p>7 professor. What law school do you teach for?</p> <p>8 MR. BARTHOLOMAEI: When you are</p> <p>9 telling him annual letters, he's confused.</p> <p>10 That's why he can't answer your question. I'm</p> <p>11 telling you what the problem is just from an</p> <p>12 observational point of view.</p> <p>13 MR. LESKO: Can we have you</p> <p>14 sworn in? If you want to keep testifying, we</p> <p>15 will have you sworn in.</p> <p>16 MR. BARTHOLOMAEI: I am trying</p> <p>17 to help you with the deposition.</p> <p>18 MR. LESKO: I don't want your</p> <p>19 help, Mark. You are hindering the deposition.</p> <p>20 That's what you are trying to do.</p> <p>21 MR. BARTHOLOMAEI: I am trying</p> <p>22 to make it go faster.</p> <p>23 MR. LESKO: Knock it off. I</p> <p>24 want an answer to my question.</p> <p>25 MR. BARTHOLOMAEI: He can't</p>
<p style="text-align: right;">Page 94</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 you the reason why he is confused, is because</p> <p>3 you're saying annual letters. I don't know if</p> <p>4 he got other letters annually.</p> <p>5 MR. LESKO: He testified that</p> <p>6 he got others, Mark.</p> <p>7 MR. BARTHOLOMAEI: No, no. He</p> <p>8 could receive four or five different types of</p> <p>9 letters on an annual basis from Prudential. Is</p> <p>10 that what you are talking about?</p> <p>11 MR. LESKO: I am talking about</p> <p>12 this letter.</p> <p>13 MR. BARTHOLOMAEI: This is the</p> <p>14 way the deposition normally goes:</p> <p>15 (Attorneys talking over top one</p> <p>16 another.)</p> <p>17 MR. LESKO: Wait. Whoa, whoa,</p> <p>18 whoa. Excuse me.</p> <p>19 MR. BARTHOLOMAEI: Have you</p> <p>20 seen a letter like this before? He will say</p> <p>21 yes. You say --</p> <p>22 MR. LESKO: Excuse me,</p> <p>23 professor.</p> <p>24 MR. BARTHOLOMAEI: Yes, maybe</p> <p>25 do. Maybe I don't.</p>	<p style="text-align: right;">Page 96</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 answer the question. He's already given his</p> <p>3 answer. I'm directing him not to answer.</p> <p>4 Q. Mr. Wycoff, have you received</p> <p>5 letters from Prudential like this other than</p> <p>6 this one?</p> <p>7 MR. BARTHOLOMAEI: You can</p> <p>8 answer that.</p> <p>9 A. Yes, we have.</p> <p>10 Q. Did you keep them?</p> <p>11 A. As a rule?</p> <p>12 Q. Did you keep them, as a fact? As a</p> <p>13 matter of fact, did you keep them?</p> <p>14 A. To keep them, as you would an</p> <p>15 heirloom, I would have to say I don't know if I</p> <p>16 kept all of them.</p> <p>17 Q. If you kept them and we asked for</p> <p>18 them, you would have produced them; right?</p> <p>19 A. That's correct.</p> <p>20 Q. Thank you. There is a paragraph in</p> <p>21 this letter underneath the columns which show</p> <p>22 you the figures, the numbers. It says, "If you</p> <p>23 elect and are interested in the abbreviated</p> <p>24 payment plan, which is a payment option that</p> <p>25 uses dividends to pay premiums, you may be</p>

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1 R. Wycoff - by Mr. Lesko
2 interested to know that if dividends continue
3 according to their current schedule, your
4 policy could abbreviate in 2002."
5 Do you see that?
6 A. (Reviewing document.) I see it.
7 Q. Did you elect the abbreviated
8 payment plan for this policy?
9 A. I don't know. I really don't know.
10 Q. Did anybody ever ask you whether you
11 wanted to elect an abbreviated payment plan?
12 A. I don't know.
13 Q. Have you ever heard of Prudential's
14 abbreviated payment plan before today?
15 A. I don't know.
16 Q. Let's look at -- Mr. Wycoff, the
17 policy contained in Exhibit 3, are you still
18 paying premiums on that policy?
19 A. Yes, we are.
20 Q. How long do you have to continue to
21 pay premiums on this policy?
22 A. How long? I believe this is --
23 MR. BARTHOLOMAEI: He is not
24 asking you to look through this, Mr. Wycoff.
25 Just answer his questions. If can you answer

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1 R. Wycoff - by Mr. Lesko
2 his question, give him an answer. He is not
3 looking for you to analyze the document. If he
4 is, he will ask you to do that.
5 A. What was the question again?
6 Q. How long do you have to pay premiums
7 on this policy?
8 A. Every year.
9 Q. Every year. For how many years?
10 A. I believe this is a whole life
11 policy here.
12 Q. Right.
13 A. I believe.
14 Q. Sorry?
15 A. I said I believe this is a whole
16 life policy.
17 Q. So how many years do you have to pay
18 for the policy, for the premiums?
19 A. Your whole life.
20 Q. Okay. Let's look at Exhibit 4.
21 MR. LESKO: Exhibit 4, for the
22 record -- I think I already identified it for
23 the record with the Bates numbers.
24 Q. Can you tell me what that exhibit
25 is, Mr. Wycoff, please.

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1 R. Wycoff - by Mr. Lesko
2 A. An insurance policy from Prudential.
3 Q. What is the issued date, the policy
4 date? When was it issued?
5 A. March 4, 1954.
6 Q. Are you looking at the policy on the
7 first page for that date?
8 A. Yes.
9 Q. I read it March 1, 1954. Is that
10 right?
11 A. What did I say?
12 Q. I think you said March 4.
13 A. All right. It is March 1st.
14 Q. What kind of policy is this? Is
15 this also a whole life policy? Feel free to
16 take a look at the policy.
17 A. (Reviewing document.)
18 Q. Let me direct you to the bottom of
19 the first page, very bottom. What does it say?
20 A. Very bottom? "Modified whole life
21 policy."
22 Q. Does that give you an idea what kind
23 of life insurance this is?
24 A. A whole life policy.
25 Q. How long are premiums payable?

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1 R. Wycoff - by Mr. Lesko
2 A. Premiums payable for life.
3 Q. Is it your understanding of a whole
4 life policy that premiums are payable for your
5 life?
6 A. On these policies.
7 Q. Did Mr. Seddan also sell you this
8 policy?
9 A. That, I don't know. I can't
10 remember that.
11 Q. You mentioned before that your
12 relationship with Mr. Seddan, other than the
13 fact that he sold you at least one of these
14 policies, was the fact that he had written life
15 insurance for your mother; is that correct?
16 A. Right.
17 Q. Do you know when he wrote life
18 insurance for your mother, or when he sold life
19 insurance to your mother?
20 A. I was younger then. I don't know.
21 Q. Was it at or about the same time
22 that he sold you the life insurance policy in
23 1985?
24 A. No.
25 Q. Was it much earlier than that?

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<p style="text-align: right;">Page 101</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. Yes.</p> <p>3 Q. A matter of years or decades or</p> <p>4 what?</p> <p>5 A. Decades. My mother died in 1972.</p> <p>6 So...</p> <p>7 Q. Okay. All right. Did you have a</p> <p>8 personal relationship with Mr. Seddan?</p> <p>9 A. No.</p> <p>10 Q. Other than the time that you called</p> <p>11 him to purchase life insurance, had you spoken</p> <p>12 to him before that about anything?</p> <p>13 A. No.</p> <p>14 Q. Did you make a claim against your</p> <p>15 mother's life insurance policy when she passed</p> <p>16 away? Did you claim the death benefit?</p> <p>17 A. That might have been my sister who</p> <p>18 did that. My sister was older.</p> <p>19 Q. How did you get Mr. Seddan's name</p> <p>20 and number?</p> <p>21 A. I don't know. Called up the central</p> <p>22 office, I guess. I don't know.</p> <p>23 Q. You just called Prudential and asked</p> <p>24 for Mr. Seddan?</p> <p>25 A. Not remembering, I don't know.</p>	<p style="text-align: right;">Page 103</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 insurance. What is it?</p> <p>3 A. Life insurance is an avenue that you</p> <p>4 can partake in to assure some sort of financial</p> <p>5 stability on down the road in case of a death</p> <p>6 or a need. So it is not a burden on your</p> <p>7 family in the case of a death. To protect your</p> <p>8 wife.</p> <p>9 Q. Okay.</p> <p>10 A. Security for the family, as much as</p> <p>11 possible, as much as you can afford.</p> <p>12 Q. If I understand your answer</p> <p>13 correctly, life insurance provides potentially</p> <p>14 two different benefits: the death benefit and</p> <p>15 some kind of cash benefit; is that right?</p> <p>16 A. I guess that's my understanding. I</p> <p>17 guess most policies do.</p> <p>18 Q. Most policies do what?</p> <p>19 A. Do have those what you just stated</p> <p>20 there: death benefit and I guess you call</p> <p>21 it -- what? A cash value? What's the word?</p> <p>22 I'm not using the right -- I am not using</p> <p>23 insurance language.</p> <p>24 Q. Cash value is the phrase typically</p> <p>25 used in insurance industry.</p>
<p style="text-align: right;">Page 102</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 Q. You just don't remember. All right.</p> <p>3 So I take it that when you decided that you</p> <p>4 wanted to buy insurance for Prudential in 1985</p> <p>5 or so, you just recalled Mr. Seddan was your</p> <p>6 mother's insurance broker; is that right?</p> <p>7 A. I would say so.</p> <p>8 Q. Again, I might have asked this</p> <p>9 question. Have you ever spoken to Mr. Seddan</p> <p>10 since you purchased the 1985 policy from</p> <p>11 Prudential?</p> <p>12 A. No.</p> <p>13 Q. Do you know whether this policy,</p> <p>14 this policy being Exhibit 4, the 1954 policy,</p> <p>15 does that policy provide for payment of</p> <p>16 dividends?</p> <p>17 Without looking at it, do you recall</p> <p>18 whether it does or not?</p> <p>19 A. No, I don't remember.</p> <p>20 Q. Okay. Mr. Wycoff, I want to take a</p> <p>21 step back for a moment. We have been reviewing</p> <p>22 a number of insurance policies that were issued</p> <p>23 by Prudential and Knights of Columbus.</p> <p>24 I want you to tell me what your</p> <p>25 understanding is of the nature of life</p>	<p style="text-align: right;">Page 104</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. Yes. I would say that they have</p> <p>3 that, yes.</p> <p>4 Q. Have you ever heard the phrase term</p> <p>5 insurance before?</p> <p>6 A. Term insurance? I believe I have.</p> <p>7 Q. What is your understanding of that?</p> <p>8 How is it different than -- let me step back a</p> <p>9 second. The life insurance that you described,</p> <p>10 your understanding of the life insurance, are</p> <p>11 you referring to whole life policies or</p> <p>12 something else?</p> <p>13 A. Insurance, in general.</p> <p>14 Q. Is it your understanding that all</p> <p>15 life insurance has both a death benefit and a</p> <p>16 cash value?</p> <p>17 A. That's what I thought.</p> <p>18 Q. Did you know that --</p> <p>19 A. That may or may not be true. I</p> <p>20 don't know.</p> <p>21 Q. Did you know that there is a product</p> <p>22 typically called term insurance that provides a</p> <p>23 death benefit but does not build a cash value?</p> <p>24 Were you aware of that?</p> <p>25 A. No, sir.</p>

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<p style="text-align: right;">Page 105</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 Q. Who pays a death benefit on a life</p> <p>3 insurance policy in the event of a death?</p> <p>4 A. Who pays it?</p> <p>5 Q. Yes, who pays?</p> <p>6 A. The insurance company.</p> <p>7 Q. What is the quid pro quo for the</p> <p>8 life insurance company to provide a death</p> <p>9 benefit?</p> <p>10 Do they do it for free?</p> <p>11 A. What do you need to produce? Death</p> <p>12 certificate?</p> <p>13 Q. No. Do they provide that service</p> <p>14 for free?</p> <p>15 MR. BARTHOLOMAEI: What</p> <p>16 service?</p> <p>17 Q. Life insurance.</p> <p>18 MR. BARTHOLOMAEI: Who is</p> <p>19 "they"?</p> <p>20 Q. You can answer the question.</p> <p>21 A. Does the insurance company -- state</p> <p>22 that again.</p> <p>23 Q. You have to pay a premium for life</p> <p>24 insurance; is that right?</p> <p>25 MR. BARTHOLOMAEI: Objection to</p>	<p style="text-align: right;">Page 107</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 to pay for life insurance?</p> <p>3 Q. You can answer that question.</p> <p>4 A. If I want insurance, I have to pay</p> <p>5 for it.</p> <p>6 Q. So the life insurance companies</p> <p>7 don't provide life insurance for free? They</p> <p>8 expect to be paid for it; is that right? Is</p> <p>9 that your understanding?</p> <p>10 A. That's correct.</p> <p>11 Q. Now, do you understand that life</p> <p>12 insurance companies -- strike that. Do you</p> <p>13 understand that a life insurance company takes</p> <p>14 a risk when they issue a life insurance policy</p> <p>15 in exchange for a premium?</p> <p>16 A. No, I don't.</p> <p>17 Q. You don't?</p> <p>18 MR. BARTHOLOMAEI: He said,</p> <p>19 "No, I don't," in case you didn't hear him.</p> <p>20 Q. If you were to purchase a life</p> <p>21 insurance policy and pay a single premium and</p> <p>22 then pass away, and your beneficiary received</p> <p>23 the entire death benefit, which is typically in</p> <p>24 excess of the first premium, wouldn't the life</p> <p>25 insurance company lose money?</p>
<p style="text-align: right;">Page 106</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 form.</p> <p>3 Q. Mr. Wycoff, if you want life</p> <p>4 insurance from a -- if you want life insurance</p> <p>5 from a life insurance company, what do you have</p> <p>6 to do to get life insurance?</p> <p>7 MR. BARTHOLOMAEI: Objection to</p> <p>8 form.</p> <p>9 Q. Do you have to pay for life</p> <p>10 insurance?</p> <p>11 MR. BARTHOLOMAEI: Do you have</p> <p>12 to fill out an application? Do you have to</p> <p>13 call an agent?</p> <p>14 Q. Do you have to pay for life</p> <p>15 insurance?</p> <p>16 MR. BARTHOLOMAEI: Oh, man.</p> <p>17 Are you asking him the abstract or about his</p> <p>18 specific case or just hypotheticals?</p> <p>19 Q. Please answer that last question.</p> <p>20 A. Do you have to pay for insurance?</p> <p>21 Is that what you are asking?</p> <p>22 MR. BARTHOLOMAEI: Do you have</p> <p>23 to pay? Or does someone have to pay? Could a</p> <p>24 company provide it for him and pay for it for</p> <p>25 him? Are you asking him if he individually has</p>	<p style="text-align: right;">Page 108</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 MR. BARTHOLOMAEI: Objection to</p> <p>3 form.</p> <p>4 A. I don't see what you are --</p> <p>5 MR. BARTHOLOMAEI: Ask him some</p> <p>6 questions about his case, instead of</p> <p>7 hypothetical questions about life insurance.</p> <p>8 A. I don't understand what you are</p> <p>9 talking about.</p> <p>10 MR. BARTHOLOMAEI: Maybe this,</p> <p>11 maybe that. He said I don't understand what</p> <p>12 you're asking, in case you didn't hear him.</p> <p>13 Q. I will clarify the question.</p> <p>14 A. I don't understand what you want</p> <p>15 from me.</p> <p>16 MR. BARTHOLOMAEI: Let him ask</p> <p>17 another question.</p> <p>18 Q. I just want you to answer the</p> <p>19 questions. That's all I want. Do you have any</p> <p>20 understanding as to how much total premiums you</p> <p>21 have paid to MetLife for your 1994 policy to</p> <p>22 date?</p> <p>23 A. No.</p> <p>24 Q. Do you know how much in premiums you</p> <p>25 have paid to MetLife for your 1991 policy to</p>

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<p style="text-align: right;">Page 109</p> <p>1 R. Wycoff - by Mr. Lesko 2 date? 3 A. No. 4 Q. What is the death benefit on your 5 1991 MetLife policy? 6 A. \$10,000. 7 Q. Do you know whether you paid in 8 excess of \$10,000 in premiums so far? 9 A. I don't know. 10 Q. You don't know, or you didn't pay 11 that much? 12 A. I say I don't know. Off the top -- 13 no, I don't. 14 Q. Do you know what the premium is on 15 your 1991 MetLife policy? Do you recall? 16 A. \$73 and some odd cents. 20 cents, 17 30 cents. 18 Q. Is it \$73.20? 19 A. (Nods affirmatively.) 20 Q. Okay. 21 MR. LESKO: Excuse me for one 22 second. 23 (Short break.) 24 Q. Mr. Wycoff, you pay that \$73.20 25 premium on a monthly basis; is that right?</p>	<p style="text-align: right;">Page 111</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: It's not. 3 Can you read that back? 4 (Reporter read from record as 5 requested.) 6 MR. BARTHOLOMAEI: It's clearly 7 not. 8 MR. LESKO: You're right. It 9 is 12 years and a day. My humblest apologies. 10 MR. BARTHOLOMAEI: It's clearly 11 not. 12 MR. LESKO: '91 to 2003 is not 13 12 years. 14 MR. BARTHOLOMAEI: That's not 15 what you said. Do you want to read it back 16 again. Please read it back again. 17 MR. LESKO: I don't want it 18 read back. Maybe you can clarify it for me, 19 Mr. Bartholomaei. Why is it not? 20 MR. BARTHOLOMAEI: Because 21 you're saying, Mr. Lesko, 1991 to 1993 and 22 that's two years, not 12 years. Would you like 23 him to read it back? 24 MR. LESKO: I said 2003. 25 MR. BARTHOLOMAEI: Please read</p>
<p style="text-align: right;">Page 110</p> <p>1 R. Wycoff - by Mr. Lesko 2 A. That's correct. 3 Q. So you paid about \$878.40 a year; is 4 that right? 5 A. You got the calculator there. I 6 don't know. 7 Q. I will represent to you that 8 according to this calculator, \$73.20 times 12 9 months is 878.4. You have paid that ever since 10 June of 1991; is that right? 11 A. From the inception of the policy? 12 Q. Yes. 13 A. Yes. 14 Q. So that's June 27, '91 to June 27 of 15 2003 is 12 years; is that right? 16 A. You have got the calculator. 17 Q. '91 to 2003 is 12 years, isn't it? 18 A. Are you doing the math or do you 19 want me to do the math? 20 Q. I am asking you if June 27, 1991 to 21 June 27, 1993 is 12 years? 22 A. Yes. 23 MR. BARTHOLOMAEI: No, it's 24 not. 25 MR. LESKO: It's not?</p>	<p style="text-align: right;">Page 112</p> <p>1 R. Wycoff - by Mr. Lesko 2 it back so we're clear. 3 BY MR. LESKO: 4 Q. Mr. Wycoff -- 5 MR. BARTHOLOMAEI: Excuse me. 6 I asked the court reporter to read something 7 back. He's going to do it. 8 Q. Mr. Wycoff -- 9 MR. LESKO: Mr. Bartholomaei, 10 you are not conducting this deposition. I'm 11 conducting -- 12 MR. BARTHOLOMAEI: I'm allowed 13 to have him read something back. 14 Q. I am going to rephrase the question 15 based upon Mr. Bartholomaei's objection. 16 MR. BARTHOLOMAEI: I guess, 17 when we get the transcript, we will all know. 18 Q. June 27, 1991 to June 27, 2003, is 19 that 12 years? 20 A. Yes. 21 Q. I guess you made the same mistake I 22 did earlier. That's 12 years. Do you have any 23 understanding as to how much premium you have 24 paid on the policy, the 1991 policy issued by 25 MetLife?</p>

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<p style="text-align: right;">Page 113</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. No.</p> <p>3 MR. BARTHOLOMAEI: Don't answer</p> <p>4 that. He's already answered that once.</p> <p>5 Q. Mr. Wycoff -- strike that.</p> <p>6 Mr. Wycoff, are you aware that -- what is your</p> <p>7 understanding of the purpose of an application</p> <p>8 for insurance?</p> <p>9 A. You are applying for an insurance</p> <p>10 policy.</p> <p>11 Q. You provide information about</p> <p>12 yourself; is that right?</p> <p>13 A. Yes.</p> <p>14 Q. Let's refer to Exhibit 3, for</p> <p>15 example. Flip to page 112.</p> <p>16 A. All right.</p> <p>17 Q. Now, this application contains</p> <p>18 questions relating to your health, doesn't it?</p> <p>19 A. Where is that at? I imagine it</p> <p>20 does, but I haven't been able to find it.</p> <p>21 Q. Check on page 113, question number</p> <p>22 27.</p> <p>23 A. Okay.</p> <p>24 Q. Those are questions relating to your</p> <p>25 health; is that right?</p>	<p style="text-align: right;">Page 115</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 that right, or intentions to travel?</p> <p>3 A. Yes.</p> <p>4 Q. Do you have any understanding as to</p> <p>5 why Prudential wanted you to complete this</p> <p>6 application and submit it to them?</p> <p>7 A. Why?</p> <p>8 Q. Yes.</p> <p>9 A. To find out what my health condition</p> <p>10 was, my children, my family; pertinent</p> <p>11 information, I guess, pertaining to me.</p> <p>12 Q. Do you have any understanding as to</p> <p>13 why Prudential, an insurance company, wants</p> <p>14 that information?</p> <p>15 A. Why? I don't know. I guess</p> <p>16 primarily to find out if you are in good enough</p> <p>17 health to be insured. If you're not in good</p> <p>18 enough health to be insured, I am sure they</p> <p>19 wouldn't insure you then.</p> <p>20 Q. Why not?</p> <p>21 A. I don't know what different</p> <p>22 insurance companies' policies are. That's my</p> <p>23 understanding.</p> <p>24 Q. I am asking for your understanding.</p> <p>25 You said if you're not in good enough health,</p>
<p style="text-align: right;">Page 114</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. Yes.</p> <p>3 Q. Question number 30 requests, asks</p> <p>4 you to provide details regarding affirmative</p> <p>5 answers to the questions above it; is that</p> <p>6 right?</p> <p>7 A. Yes.</p> <p>8 Q. In response, you have provided</p> <p>9 information related to certain health</p> <p>10 conditions, visits to doctors, et cetera; is</p> <p>11 that right?</p> <p>12 A. Correct.</p> <p>13 Q. Flip back to the previous page.</p> <p>14 A. Okay.</p> <p>15 Q. For example, take a look at question</p> <p>16 No. 13. I beg your pardon. Not 13. Look at</p> <p>17 No. 15, please.</p> <p>18 A. (Reviewing document.)</p> <p>19 MR. BARTHOLOMAEI: He's reading</p> <p>20 it to himself.</p> <p>21 Q. Have you read question No. 15?</p> <p>22 A. Yes. Was I going to travel out --</p> <p>23 Q. I am not asking you to respond to</p> <p>24 the question. That question asks for</p> <p>25 information regarding your travel activity, is</p>	<p style="text-align: right;">Page 116</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 you are sure they would not insure you. Why do</p> <p>3 you say that?</p> <p>4 A. Just for their protection.</p> <p>5 Q. So they evaluate the information in</p> <p>6 the application to determine whether or not you</p> <p>7 are a good risk? Is that accurate, as to your</p> <p>8 understanding?</p> <p>9 A. I don't know if I would use the word</p> <p>10 risk.</p> <p>11 Q. What word would you use?</p> <p>12 A. You would be a preferred customer.</p> <p>13 I guess you would put it that way.</p> <p>14 Q. What about your health would make</p> <p>15 you preferred or not preferred to an insurance</p> <p>16 company, in your understanding?</p> <p>17 A. It's fairly obvious. If you weren't</p> <p>18 in good health, you wouldn't be a preferred</p> <p>19 customer.</p> <p>20 Q. Why?</p> <p>21 A. We would go back to health again.</p> <p>22 Q. What does health have to do with</p> <p>23 whether you're preferred or not preferred?</p> <p>24 A. I can't answer that. That's just my</p> <p>25 opinion.</p>

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<p>1 R. Wycoff - by Mr. Lesko 2 Q. I am asking the basis of your 3 opinion, sir. 4 A. That's it. 5 Q. Is it because a person in poor 6 health is more likely to die sooner? 7 MR. BARTHOLOMAEI: Objection to 8 form. 9 A. I can't answer for the insurance 10 company. 11 Q. I am asking for your understanding. 12 MR. BARTHOLOMAEI: I think he 13 gave you his understanding. A person in 14 complete -- 15 MR. LESKO: Come on, Mark. 16 MR. BARTHOLOMAEI: I don't 17 understand what you're getting at. He 18 doesn't -- 19 MR. LESKO: That doesn't 20 surprise me. 21 MR. BARTHOLOMAEI: Mr. Wycoff 22 doesn't understand the question. He gave you 23 his best answer. Ask the next question. 24 MR. LESKO: Mr. Wycoff didn't 25 tell me he didn't understand the question.</p>	<p>1 R. Wycoff - by Mr. Lesko 2 that out. Maybe we can have a little meeting 3 when the transcript comes in. How about that? 4 MR. BARTHOLOMAEI: What do you 5 mean by that? 6 MR. LESKO: So we can talk 7 about the transcript, of whether that question 8 was asked. 9 A. I really got a long day, so... 10 Q. All right. So do you have any 11 understanding, Mr. Wycoff, as to whether or not 12 your health, as represented on that 13 application, affected the amount of premium to 14 be paid for that policy? 15 A. I don't know. 16 Q. You don't know? 17 A. No. 18 Q. Is it your understanding that a 19 person in poorer health would be required to 20 pay higher premiums than a person in good 21 health? 22 A. I don't know that, either. 23 Q. Is it your understanding that a 24 person of advanced age has to pay higher 25 premiums on an insurance policy than a person</p>
Page 118	Page 120
<p>1 R. Wycoff - by Mr. Lesko 2 MR. BARTHOLOMAEI: He said I 3 don't know what you are getting at. 4 MR. LESKO: He doesn't have to 5 know what I'm getting at. He has to just 6 answer the question. 7 Q. My question is -- 8 MR. BARTHOLOMAEI: That's one 9 of the funniest things I've ever heard. 10 Q. My question is, is it your 11 understanding that a person in poor health 12 would not be a preferred customer for a life 13 insurance company because he or she is more 14 likely to die sooner? Is that your 15 understanding? 16 A. Generally speaking, I would say 17 yes. 18 Q. Thank you. 19 MR. LESKO: We could have 20 gotten that five minutes ago. 21 MR. BARTHOLOMAEI: That's 22 probably true if you had asked that question 23 five minutes ago. 24 MR. LESKO: That is the 25 question I asked. The transcript will bear</p>	<p>1 R. Wycoff - by Mr. Lesko 2 who is much younger? 3 A. That's understood. 4 Q. That's understood? 5 A. Yes. 6 Q. Thank you. Have you ever heard the 7 phrases, "Mortality rate" before, or the 8 phrase, "Mortality rate" before? 9 A. Maybe reading it in the newspaper or 10 hearing it on the news. 11 Q. Do you know what it means? 12 A. Yes. 13 Q. What does it mean? 14 A. The rate of death. 15 Q. What is the -- have you ever heard 16 the term, "Expense rate," in the context of 17 insurance before? 18 A. No. 19 Q. Have you ever heard the term, "Cost 20 of insurance" before? The phrase, "Cost of 21 insurance"? 22 A. Maybe in -- oh, hell. In the course 23 of conversation with people, you may hear 24 somebody, "The cost of insurance is this." 25 MR. BARTHOLOMAEI: Mr. Wycoff,</p>

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1 R. Wycoff - by Mr. Lesko
2 he is asking you for a recollection. If you do
3 not have a recollection, I don't want you to
4 guess.
5 A. No, I don't.
6 MR. BARTHOLOMAEI: Or don't
7 make something up.
8 Q. Do you know what cost of insurance
9 means?
10 A. What you are paying in premiums.
11 Q. Okay. What are dividends?
12 A. Dividends? Definition of dividends?
13 They come from -- oh. They come from your --
14 from making -- what is the word I want? The
15 on-time payments, that you are never late with
16 a payment.
17 Once your payments are paid and
18 being that you are paying on time, you don't
19 owe any back payments, and you are right up to
20 snuff on your payments, on your policy, and the
21 insurance company rewards you.
22 Is that -- I don't know.
23 Q. That's fine. I asked for your
24 understanding. That's what I wanted. That's
25 fine.

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1 R. Wycoff - by Mr. Lesko
2 Have you ever heard the term
3 "dividends" used in the context of stocks,
4 company stocks, such as U.S. Steel?
5 A. I can't remember.
6 Q. Do you know what dividend means in
7 that context?
8 A. Eligible for more stock.
9 Q. What is the dividend comprised of?
10 Do you know? Isn't it comprised of surplus
11 revenue in the company's hands?
12 A. I can't say.
13 Q. Okay. What is --
14 MR. LESKO: We will mark this
15 policy as the next exhibit, please.
16 (Wycoff Exhibit No. 5 was
17 marked for identification.)
18 Q. Mr. Wycoff, I am handing you what
19 has been identified or what's been marked for
20 identification purposes as Exhibit 5. That is
21 a document bearing Bates No. RGW 000017 through
22 37.
23 Do you recognize that document?
24 A. Yes.
25 Q. What is it?

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1 R. Wycoff - by Mr. Lesko
2 A. Metropolitan Life Insurance policy,
3 Robert G. Wycoff.
4 Q. What is the face amount?
5 A. \$10,000.
6 Q. The date of issue?
7 A. June 27, 1991.
8 Q. What kind of policy is it?
9 A. Whole life.
10 Q. Who sold you that policy?
11 A. Metropolitan Life.
12 Q. How long are premiums payable for
13 this policy?
14 A. Premiums payable for a stated
15 period.
16 Q. Do you know how long that period is?
17 A. It says here whole life policy.
18 Payments payable for a stated period.
19 Q. That means to you that it's payable
20 for your whole life?
21 A. That's what it says here.
22 Q. Turn to page 19 of that policy for
23 me. Look, if you will, under -- you see the
24 heading in the middle of the page there,
25 centered, "Premium schedule."

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1 R. Wycoff - by Mr. Lesko
2 "Premiums are due on of date of
3 policy and every one month after that date"?
4 A. Yes.
5 Q. Underneath that, you see there are
6 three or four columns? There's a couple column
7 headings, Premium Amount, Years Payable?
8 Do you see those?
9 A. Um-hum.
10 Q. The first row, do you see where it
11 says, "Life insurance"?
12 A. Yes.
13 Q. To the right under premium amount it
14 says \$73.20?
15 A. Yes, sir.
16 Q. Then it says under the years
17 payable, it says 36. Do you see that?
18 A. Yes, sir, I do see that.
19 Q. Having read that, can you tell me
20 now how long premiums are payable under this
21 policy?
22 A. 36 years.
23 Q. It's not necessarily your whole
24 life, right, but it's 36 years?
25 A. 36 years.

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1 R. Wycoff - by Mr. Lesko
2 MR. BARTHOLOMAEI: I am going
3 to -- sorry to interrupt you. I didn't want to
4 interrupt your line of questioning. I wanted
5 to mention for the record the witness was
6 looking at Bates No. 19 and not page 19 of the
7 policy. Because people can't see this when
8 they are reading the transcript.
9 MR. LESKO: I appreciate your
10 clarification.
11 Q. If you flip back to -- don't flip
12 back. Do you know the name of the agent or
13 broker who sold you this policy?
14 A. Mr. Molchan and Mr. Kaczmarek.
15 Q. Kaczmarek?
16 A. Yes.
17 Q. You mentioned Mr. Molchan. Do me a
18 favor. Flip back to the back of the page of
19 the back of the exhibit, page 36. Second to
20 the last page. For ease of reference, because
21 it seems to pick up the pages, I am referring
22 to the Bates numbers when I say page number 36.
23 Do you see at the bottom of the page
24 there, all the way to the left -- wait a
25 minute. I beg your pardon.

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1 R. Wycoff - by Mr. Lesko
2 A. You did say 36, didn't you?
3 Q. I did. Sorry. I flipped to the
4 wrong page. I am looking for the right page
5 now. It is actually page number 33.
6 A. All right.
7 Q. Middle of the page, left-hand side,
8 do you see the signature there under Witness?
9 A. Yes, sir.
10 Q. Can you read the signature?
11 A. Yes, sir.
12 Q. What does it say?
13 A. Norman, middle initial looks like an
14 E., Molchan, Sr.
15 Q. Mr. Molchan, is it Molchan or
16 Molche? Do you recall?
17 A. I'm just pronouncing it the way --
18 Q. I understand.
19 A. M-O-L-C-H-A-N, I believe it was.
20 Q. That's correct. Molchan.
21 Mr. Molchan was a MetLife representative; is
22 that right?
23 A. Yes, sir.
24 Q. Does this help you recall who it was
25 that sold you the policy? Before you said

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1 R. Wycoff - by Mr. Lesko
2 Mr. Molchan and Mr. Kaczmarek. Was it both of
3 them or was it just Mr. Molchan?
4 A. Both of them.
5 Q. Both?
6 A. Both of them.
7 Q. Both of them sold you this policy?
8 A. Mr. Molchan evidently was -- what?
9 The senior agent and Mr. Kaczmarek was there as
10 his associate.
11 Q. I see. Do you recall meeting with
12 Mr. Molchan regarding this policy, regarding
13 applying for this policy?
14 A. Yes.
15 Q. Do you remember when that was? If
16 you want to look at the point of application,
17 you should do that.
18 A. What was that? 1991?
19 Q. Yes. On page 36 of this exhibit,
20 there is a date next to your signature or what
21 purports to be your signature.
22 That's 7-2-91. July 2, 1991. Do
23 you see that at the bottom of the page?
24 A. Right.
25 Q. Is that your signature next to the

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1 R. Wycoff - by Mr. Lesko
2 date?
3 A. Yes, sir.
4 Q. So does this at least refresh your
5 recollection as to when this application was
6 completed?
7 MR. BARTHOLOMAEI: Objection to
8 form.
9 MR. LESKO: Strike that.
10 Q. Did you meet with Mr. Molchan on
11 July 2, 1991?
12 A. (No response.)
13 MR. LESKO: Mark that for me.
14 (Wycoff Exhibit No. 6 was
15 marked for identification.)
16 MR. BARTHOLOMAEI: He is asking
17 you if you remember meeting him on that day?
18 THE WITNESS: No, I don't.
19 Q. You don't remember meeting with him?
20 A. Not on that date, no.
21 Q. You do remember meeting with him at
22 some point; is that right?
23 MR. BARTHOLOMAEI: He's already
24 testified to that. He said yes.
25 A. Did I recall -- ask me the question

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1 R. Wycoff - by Mr. Lesko
2 again. Or have him repeat it.
3 Q. That's okay. I will ask it again.
4 You did meet with Mr. Molchan at some point in
5 time; is that right?
6 A. Yes.
7 Q. Thank you. Let me show you what has
8 been marked as Exhibit 6. Tell me if you
9 remember seeing that document before.
10 MR. LESKO: For the record,
11 that's Bates numbers RGW 00004. 41 and 40.
12 A. (Reviewing document.) No.
13 Q. You don't remember seeing this
14 document?
15 A. No, I don't.
16 Q. Okay. Put that aside. Prior to
17 your first meeting with Mr. Molchan, had you
18 ever met him before? Sorry. Strike that
19 question.
20 Prior to your first meeting with
21 Mr. Molchan, regarding this policy, which has
22 been marked as Exhibit 5, had you ever met
23 Mr. Molchan before?
24 A. No.
25 Q. How did you first come into contact

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1 R. Wycoff - by Mr. Lesko
2 with Mr. Molchan? By that, I mean did you
3 speak to him on the phone, or the first time
4 you contacted him, was it in person?
5 A. God. I have no idea. I can't
6 remember. Probably called his office.
7 MR. BARTHOLOMAEI: Don't guess.
8 Q. Don't guess. My next question --
9 you're anticipating my next question -- do you
10 know whether you contacted -- whether you
11 initiated the contact with Mr. Molchan or he
12 initiated it?
13 A. Off the record. I am trying to
14 think --
15 Q. He can't go off the record unless we
16 tell him. I prefer everything on the record
17 unless it's unrelated to the case.
18 A. I am going to correct my answer. I
19 honestly can't say for sure.
20 Q. That's fine. Maybe I can ask you
21 another question, too, which will help you
22 remember: Do you remember -- well, strike
23 that.
24 Did you have an objective in mind in
25 purchasing this policy? Do you remember

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1 R. Wycoff - by Mr. Lesko
2 earlier we talked about why you purchased, I
3 think it was the -- well, one of the policies
4 issued by Prudential, or Knights of Columbus.
5 You said you wanted more money upon
6 your passing for your family?
7 A. Right.
8 Q. Did you purchase this policy for the
9 same reason, or did you have some other
10 specific objective in mind?
11 A. Same reason.
12 Q. Did you, at some point, make a
13 determination that it would be necessary to
14 have -- to leave more money to your family
15 prior to purchasing this policy?
16 A. Specific reason?
17 Q. I will rephrase that. You said that
18 the reason you purchased this policy is
19 because, like the other policy we talked about
20 earlier, you just wanted to leave more for your
21 family upon your passing; is that right?
22 A. Um-hum. That's true.
23 Q. What I am trying to get at is when
24 did you decide that you wanted to leave more
25 for your family upon your passing? Was it

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1 R. Wycoff - by Mr. Lesko
2 after you met with Mr. Molchan or before you
3 met with Mr. Molchan?
4 In other words, Mr. Wycoff, did you
5 decide you needed more insurance and go out and
6 get this policy, or did Mr. Molchan present it
7 to you and you figured that it was a good idea,
8 you should have more?
9 A. I would say before.
10 Q. Before?
11 A. I would say before.
12 Q. Does that help your recollection as
13 to whether or not you contacted Mr. Molchan or
14 he contacted you?
15 A. Hmm.
16 Q. If it doesn't help your
17 recollection, we will move on.
18 A. I can't say. I really can't say.
19 Q. Did you have a personal relationship
20 with Mr. Molchan before you purchased this
21 policy?
22 A. No, sir.
23 Q. Since you purchased this policy,
24 again, this is the '91 policy, Exhibit 5, have
25 you met or spoken with Mr. Molchan?

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1 R. Wycoff - by Mr. Lesko
2 A. No, sir.
3 Q. During your meetings -- strike
4 that. I think before you said you couldn't
5 recall whether it was one meeting with
6 Mr. Molchan or more than one.
7 Am I remembering that correctly?
8 A. I don't believe he said that. I
9 can't recall.
10 Q. You can't recall whether it was one
11 or more than one?
12 A. No.
13 Q. But you do recall at least one
14 meeting; is that right?
15 A. Yes, sir, one meeting.
16 Q. Do you recall who else was present
17 at that meeting?
18 A. His associate, Mr. Kaczmarek, and a
19 medical nurse.
20 Q. There was a nurse with them?
21 A. Yes, sir.
22 Q. Do you recall whether that -- the
23 nurse was with them during -- strike that. You
24 don't know whether it was one or more meeting.
25 Where did that meeting take place?

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1 R. Wycoff - by Mr. Lesko
2 A. At my home.
3 Q. You were the only one from your
4 family present for that meeting?
5 A. Um-hum.
6 Q. Do you recall how long the meeting
7 lasted?
8 A. I have no idea.
9 Q. Do you recall everything that was
10 said during that meeting?
11 A. No, sir, I do not.
12 Q. Okay.
13 A. God, no.
14 Q. Do you recall whether you were shown
15 documents at that meeting? Strike that.
16 Did Mr. Kaczmarek or Mr. Molchan or
17 the nurse present you with any documents during
18 that meeting?
19 A. Relating to what?
20 Q. Anything. Any documents at all?
21 A. Mr. Molchan showed me -- he used it
22 as a sample, according to his -- the way he
23 explained it to me, he said, "I want to explain
24 to you a good feature of this policy."
25 Q. Okay.

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1 R. Wycoff - by Mr. Lesko
2 A. He said, "I don't have the original
3 form to show you. I will use this form as a
4 sample, and I will show you what this feature
5 is."
6 So he proceeded to use this form to
7 show me that at the end, after X amount of
8 years would expire -- it turned out to be 14
9 years, that's what he had marked -- that the
10 premiums would -- you wouldn't have to pay any
11 more premiums.
12 I said -- you know, I agreed with
13 him. I said, "That is a good policy, that is a
14 good feature."
15 Mr. Kaczmarek, you know, he
16 concurred.
17 Q. Okay.
18 A. But that was the only -- if the
19 nurse had anything there -- she asked for a
20 urine test, and I did give that. But, now,
21 whether she had any forms there or not, I can't
22 recall. She may have.
23 Q. That sample that you referred to,
24 that Mr. -- was it Mr. Molchan who showed it to
25 you?

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1 R. Wycoff - by Mr. Lesko
2 A. Um-hum.
3 Q. That sample that Mr. Molchan showed
4 to you, was that the only document that he
5 presented during the meeting?
6 A. Other than the policy there itself.
7 Q. Did he present you with the policy
8 during your meeting?
9 A. From what I can understand, yes.
10 Q. Do you recall whether or not he
11 presented you with a policy during your first
12 meeting or was it sometime later?
13 A. I am trying to determine.
14 Q. Let me ask it this way: Did you
15 fill out an application for insurance at some
16 point in time with Mr. Molchan?
17 A. You have to do that to get an
18 insurance policy, yes.
19 Q. I take it, what you're telling me,
20 is you don't specifically recall filling out
21 the application? Is that right?
22 A. I remember the policy.
23 Q. Do you specifically recall
24 completing, signing the application?
25 A. Signing the policy, yes. But a

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1 R. Wycoff - by Mr. Lesko
2 form? Is the form the policy? Is that what
3 you are talking about? Is that what you're
4 asking?
5 Q. I don't know what form you are
6 referring to. Let me ask you this question:
7 Was the nurse present when Mr. Molchan gave you
8 the policy?
9 A. She was at the house that day.
10 Whether she was right there, when he gave me
11 the policy --
12 Q. That's what I'm asking. To be
13 specific and clear, was the nurse there at your
14 house during the meeting when Mr. Molchan gave
15 you that policy?
16 A. Yes.
17 Q. When I say policy, by the way, we
18 understand each other we're talking about
19 Exhibit 5; is that right?
20 A. Yes.
21 Q. Okay. Did Mr. Molchan present you
22 with any brochures about MetLife during the
23 meeting?
24 A. No.
25 Q. No?

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1 R. Wycoff - by Mr. Lesko
2 A. No.
3 Q. Do you recall every single document
4 that he presented to you at that meeting?
5 A. There's only two that I recollect.
6 Q. Those were the sample?
7 A. Sample forms that he was showing me
8 about the premiums and the policy itself.
9 Q. And the actual policy. Do you
10 recall signing any documents during the
11 meeting?
12 A. Documents? Are you talking about
13 insurance policies?
14 Q. Sure. Insurance policy would fit in
15 my definition of documents, yes.
16 A. Signing an insurance policy? Yes.
17 Q. So you signed an insurance policy?
18 A. Any other document, I did not sign.
19 Q. Do you know what an application for
20 insurance is? Do you know what I am referring
21 to when I use that phrase? That is a bad
22 question.
23 I will restate it: Is an
24 application for an insurance and an insurance
25 policy the same thing, in your mind?

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1 R. Wycoff - by Mr. Lesko
2 A. In my mind? No.
3 Q. An application for insurance, as we
4 have discussed earlier, is a document you
5 complete and submit to the insurance company
6 and they decide whether to issue a policy of
7 insurance; is that correct? Does that comport
8 with your understanding?
9 A. Right.
10 Q. So now, with that understanding in
11 mind, I am going to ask you that question I
12 asked you before again: What document did you
13 sign, during the meeting with Mr. Molchan,
14 regarding this policy? Was it the policy, the
15 application or something else?
16 A. The policy.
17 Q. You signed the policy, okay.
18 Mr. Wycoff, do you smoke?
19 A. No, sir.
20 Q. Did you ever smoke?
21 A. Yes, sir.
22 Q. When was the last time you had a
23 cigarette?
24 A. The boys were in Little League. So
25 that would have been 1960 --

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1 R. Wycoff - by Mr. Lesko
2 Q. Did you --
3 A. '60, '61.
4 Q. You have never smoked since then?
5 A. That's correct.
6 Q. Not a single cigarette?
7 A. Not a cigarette.
8 Q. How about cigars? Do you smoke
9 cigars?
10 A. No. I may chew on one once in a
11 while.
12 Q. Have you ever smoked cigars?
13 A. No.
14 Q. You said you may chew on a cigar
15 once in a while; is that right?
16 A. Yes.
17 Q. Have you always done that throughout
18 your adult life?
19 A. For the most part, yard work. I got
20 into that habit in the steel plant. A lot of
21 us did that, just to -- there's so much residue
22 in the atmosphere, and to try to keep the
23 proper saliva in your mouth, to get rid of
24 those -- the components that are in the air,
25 and so that's what we did.

35 (Pages 137 to 140)

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1 R. Wycoff - by Mr. Lesko
2 Q. Did you ever use chewing tobacco?
3 A. At times, yes. When I couldn't get
4 a cigar or didn't have a cigar.
5 Q. Do you still do that?
6 A. From time to time.
7 Q. Have you done that from time to time
8 throughout your adult life?
9 A. Yes.
10 Q. How about a pipe? Do you ever use a
11 pipe, smoke a pipe?
12 A. No, never smoked a pipe.
13 Q. You mentioned a document before.
14 MR. BARTHOLOMAEI: Hold on one
15 second. Off the record.
16 (Discussion off record.)
17 (Lunch recess from 12:35 p.m.
18 to 1:25 p.m.)
19 BY MR. LESKO:
20 Q. Mr. Wycoff, do me a favor. Take a
21 look at Exhibit 5. Turn to the back of that,
22 page 30.
23 MR. BARTHOLOMAEI: Before we
24 start, I wanted to say something before we
25 began. I am going to ask that the court

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1 R. Wycoff - by Mr. Lesko
2 reporter make the audio tape a part of the
3 record in this deposition. We can discuss,
4 after the deposition is over, if there's a
5 specific method that the court reporting agency
6 prefers to do that. I am stating that on the
7 record at this time. You can continue with the
8 questions, Mr. Lesko.
9 Q. Mr. Wycoff, before we get into the
10 questions, we just had a lunch break. Did you
11 talk with your attorney during the lunch break
12 about this case?
13 MR. BARTHOLOMAEI: Objection.
14 Do not answer that question.
15 Q. Your attorney, did you talk with
16 your attorney during lunch break about this
17 case?
18 MR. BARTHOLOMAEI: I direct you
19 not to answer the question.
20 MR. LESKO: What is the basis
21 for your objection?
22 MR. BARTHOLOMAEI: Attorney/
23 client privilege.
24 MR. LESKO: There is a Hall
25 case in this district which says that once a

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1 R. Wycoff - by Mr. Lesko
2 deposition begins, there is no attorney/client
3 privilege over communications.
4 Are you familiar with that case?
5 MR. BARTHOLOMAEI: Which
6 district is that?
7 MR. LESKO: Western District of
8 Pennsylvania, Mr. Bartholomaei. I am surprised
9 you're not aware of that.
10 MR. BARTHOLOMAEI: I suggest
11 that you call the judge.
12 MR. LESKO: I am not going to
13 call the judge now. If we do call the judge
14 and she finds in our favor, unfortunately,
15 we're going to have to have Mr. Wycoff back
16 here again and further inconvenience him at
17 your direction.
18 MR. BARTHOLOMAEI: My
19 direction?
20 MR. LESKO: Because of your
21 direction.
22 MR. BARTHOLOMAEI: Okay. Are
23 you sure we're in the Western District on this
24 case?
25 MR. LESKO: Am I sure we are in

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1 R. Wycoff - by Mr. Lesko
2 the Western District in this case?
3 MR. BARTHOLOMAEI: Yes.
4 MR. LESKO: Is this case
5 pending in the Western District?
6 MR. BARTHOLOMAEI: Yes.
7 MR. LESKO: Does that matter?
8 MR. BARTHOLOMAEI: You're
9 talking about something, with the Western
10 District. I am wondering what you were
11 referring to.
12 MR. LESKO: I am referring to
13 an opinion that was issued in the Western
14 District of Pennsylvania.
15 MR. BARTHOLOMAEI: Okay. That
16 for some reason -- why are you telling me about
17 that opinion?
18 MR. LESKO: You know what,
19 Mr. Bartholomaei, we can have this discussion
20 off the record if you want?
21 Do you want to proceed with this
22 discussion?
23 MR. BARTHOLOMAEI: Sure.
24 MR. LESKO: Off the record.
25 (Discussion off record.)

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1 R. Wycoff - by Mr. Lesko
2 MR. LESKO: Back on the record.
3 For the record, as a courtesy to
4 Mr. Bartholomaei, I suggested that we step
5 outside in the hallway to discuss the issue of
6 attorney/client privilege and the effect -- the
7 effect of the Hall case on that privilege and
8 how it might be -- it might lend interpretation
9 in Pennsylvania Rules of Civil Procedure and
10 attorney/client privileges in Pennsylvania.
11 Mr. Bartholomaei has rejected the
12 client to do so. That's fine. We're not going
13 to discuss it. I suggest that Mr. Bartholomaei
14 go ahead and look up that case and see whether
15 or not it's relevant to the attorney/client
16 privilege. Then we can have the discussion.
17 MR. BARTHOLOMAEI: I am willing
18 to discuss it right now.
19 MR. LESKO: We're not going to
20 discuss it in front of your client. As a
21 courtesy to you and as a courtesy to your
22 client --
23 MR. BARTHOLOMAEI: We don't
24 need the courtesy.
25 MR. LESKO: Also, because it is

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1 R. Wycoff - by Mr. Lesko
2 inappropriate, as you well know.
3 MR. BARTHOLOMAEI: Why is that?
4 Q. Mr. Wycoff, turn to Exhibit 5 for me
5 at the back.
6 MR. LESKO: Oh. Let me make
7 something clear. Mr. Bartholomaei, is it safe
8 to say any question I ask him or your witness
9 regarding the -- your conversations with him
10 during lunch regarding this case, you will
11 direct him not to answer?
12 MR. BARTHOLOMAEI: I will tell
13 you what, Mr. Lesko: I will let Mr. Wycoff
14 answer the questions about what we talked about
15 at lunch if you and your firm will agree to
16 tell me what you talked about with your
17 witnesses at lunch when I conducted a
18 deposition. Is that fair?
19 MR. LESKO: No.
20 MR. BARTHOLOMAEI: Why not?
21 MR. LESKO: I am not going to
22 agree to that.
23 MR. BARTHOLOMAEI: So it's okay
24 for us, but not for you?
25 MR. LESKO: I didn't say that.

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1 R. Wycoff - by Mr. Lesko
2 MR. BARTHOLOMAEI: Please give
3 me an explanation as to why that wouldn't be
4 okay since you have this magical case.
5 MR. LESKO: Next time you take
6 a deposition of one of our witnesses, you can make
7 that assertion. Then we will take the
8 position, whatever position is appropriate. We
9 can raise that issue when it becomes an issue.
10 It is not an issue right now.
11 I am asking your client and I am
12 asking you the question for the purposes of the
13 record so we can move on in this deposition --
14 MR. BARTHOLOMAEI: You have my
15 answer.
16 MR. LESKO: -- whether or not
17 you will continue to instruct him not to answer
18 as to questions regarding his conversations
19 with you regarding this case during the break?
20 MR. BARTHOLOMAEI: Like I said,
21 we've taken depositions --
22 MR. LESKO: The answer is yes
23 or no.
24 MR. BARTHOLOMAEI: We have
25 taken depositions, and they would apply to this

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1 R. Wycoff - by Mr. Lesko
2 case. If you are willing to disclose to me the
3 conversations that you or members of your firm
4 had with those witnesses during your lunch
5 break, then, you know, we could do the same.
6 MR. LESKO: I guess I will have
7 to establish the record. We will take even
8 more time out of your client's day.
9 Q. Mr. Wycoff, did you discuss with
10 Mr. Bartholomaei, during the break, any of the
11 testimony that you rendered this morning?
12 MR. BARTHOLOMAEI: Again, don't
13 answer the question.
14 Q. Mr. Wycoff, did you discuss with
15 Mr. Bartholomaei, during the break, any
16 testimony or questions that he anticipates
17 being raised during the afternoon session?
18 MR. BARTHOLOMAEI: Don't
19 answer.
20 Q. Mr. Wycoff, did you speak with
21 Mr. Bartholomaei during the break concerning
22 any topic or issue relating to this litigation?
23 MR. BARTHOLOMAEI: I direct him
24 not to answer the question.
25 MR. LESKO: Okay.

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<p>1 R. Wycoff - by Mr. Lesko 2 Q. Mr. Wycoff, please turn to exhibit 3 or go to Exhibit 5. Turn to page 30. Take a 4 look at page 30. These are the Bates numbers 5 again, page 30 through 36. 6 Tell me if that's the application 7 that you submitted -- strike that. 8 Tell me if you recognize those 9 pages. 10 A. 30 through 33? Is that what you 11 said? 12 Q. 30 through 36. 13 A. (Reviewing document.) That's not my 14 writing. That's for sure. I should say 15 printing. 36? That is an application here for 16 life insurance. 17 Q. Have you ever seen this application 18 for life insurance before? 19 A. I don't recall. I don't recall. 20 Q. Do you, otherwise, know whether this 21 is the application for life insurance that you 22 submitted to MetLife for consideration in 23 issuing the 1991 policy? 24 MR. BARTHOLOMAEI: Objection to 25 form.</p>	<p>1 R. Wycoff - by Mr. Lesko 2 (Cellphone interruption.) 3 MR. BARTHOLOMAEI: Objection to 4 form. 5 Q. Let me rephrase it. Was it your 6 understanding that MetLife would rely upon the 7 information provided in the application in 8 deciding to issue the 1991 policy? 9 MR. BARTHOLOMAEI: If you can 10 answer as to what MetLife would rely on, please 11 answer the question. 12 MR. LESKO: That's not the 13 question. 14 MR. BARTHOLOMAEI: Read the 15 question back. 16 Q. The question is: Is it your 17 understanding that MetLife would rely on the 18 information contained in this application in 19 deciding whether or not to issue the policy? 20 A. I would say it's up to the insurance 21 company. It wouldn't be up to me. All I did 22 was give the information in regards to the 23 application, from what I can see here. 24 Q. What is your understanding, as to 25 why this application was submitted? What is</p>
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<p>1 R. Wycoff - by Mr. Lesko 2 Q. Let me rephrase the question. Did 3 you submit an application to MetLife seeking 4 issuance of the 1991 policy? Mr. Wycoff? 5 A. One minute. Yes, I have. Or, yes, 6 I did. 7 Q. Yes, you did? Is this that 8 application? 9 A. It certainly looks like it. 10 Q. Okay. Now, Mr. Wycoff -- 11 A. Yes. 12 Q. I'm sorry. I will wait until you 13 are done reviewing the application, if you 14 like. 15 A. Okay. 16 Q. Are you done? 17 A. Um-hum. 18 Q. When you submitted this application, 19 to MetLife, did you know that MetLife was going 20 to rely on the information provided in the 21 application? 22 MR. BARTHOLOMAEI: Objection to 23 form. 24 Q. To determine whether or not to issue 25 the policy?</p>	<p>1 R. Wycoff - by Mr. Lesko 2 the purpose of it? Your understanding? 3 A. Most of it to see how the applicant 4 checks out physically. 5 Q. We talked earlier -- 6 A. That seems to be the majority of it. 7 If he's -- if he has no physical -- what should 8 I say? Disabilities, I guess. How can I word 9 it? I don't know what you people -- 10 Q. Sorry. Go ahead. Finish your 11 answer. 12 A. They want a history of your -- the 13 insurance companies want a history of your age, 14 your physical condition, what abnormalities 15 that you have had. 16 Q. Do you have an understanding as to 17 why the insurance companies want that 18 information? 19 A. If you are qualified to be eligible 20 for an insurance policy. 21 Q. It's so they can decide whether or 22 not to issue a policy; right? 23 A. That's correct. 24 Q. And is it your understanding that 25 MetLife would rely on the information contained</p>

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<p style="text-align: right;">Page 153</p> <p>1 R. Wycoff - by Mr. Lesko 2 in this application in making that decision? 3 A. I don't see why not. 4 Q. Is it your understanding that they 5 would rely? 6 A. Rely on this information that's on 7 the application? 8 Q. Yes. 9 A. Certainly. 10 Q. Was it your intention, when you 11 submitted this application, that MetLife should 12 rely on information contained herein, or in 13 this application? 14 A. Certainly. 15 Q. With that understanding, you would 16 never submit false or misleading information to 17 the insurance company for them to rely on, 18 would you? 19 A. No, sir. I didn't put everything on 20 here, but evidently, the agent did. He asked 21 me questions. I answered them. 22 Q. Did the agent -- strike that. Turn 23 to page 31 of the application. 24 A. Okay. I have it here. 25 Q. You see paragraph -- sorry, not</p>	<p style="text-align: right;">Page 155</p> <p>1 R. Wycoff - by Mr. Lesko 2 form. 3 Q. Is it true that you've never used 4 smokeless tobacco? 5 MR. BARTHOLOMAEI: Objection to 6 form. That is a ridiculous question. Has 7 nothing to do with this. This was done in 8 1991. 9 Q. Answer the question. 10 MR. BARTHOLOMAEI: He already 11 testified that he has. 12 Q. Answer the question. 13 MR. BARTHOLOMAEI: Don't 14 answer. You have already answered the 15 question. 16 Q. The question is: Is it true that 17 you've never used smokeless tobacco? Is that 18 true? 19 MR. BARTHOLOMAEI: Again, 20 that's the same question. I am directing him 21 not to answer again for the second time. 22 Because he's already been asked and answered 23 that question. 24 MR. LESKO: He has not been 25 asked -- he has not been asked that question</p>
<p style="text-align: right;">Page 154</p> <p>1 R. Wycoff - by Mr. Lesko 2 paragraph -- question No. 9, Tobacco Use? 3 A. Question No. 9. 4 Q. The question reads, "Indicate date 5 proposed insured last smoked/used." By the 6 way, you are the proposed insured in this 7 application; is that right? 8 A. Yes. 9 Q. It says, "Indicate date proposed 10 insured last smoked or used cigarettes, cigar, 11 pipe, smokeless tobacco." Under Cigarettes it 12 says 1960. 13 Do you see that? 14 A. Right. 15 Q. Under Cigar, the box next to Never, 16 has an X in it. Do you see that? 17 A. Right. 18 Q. Under Pipe, again, the box next to 19 Never has an X in it; is that right? 20 A. Right. 21 Q. Smokeless tobacco says never; right? 22 A. Right. 23 Q. The answer given with respect to 24 smokeless tobacco is not true, is it? 25 MR. BARTHOLOMAEI: Objection to</p>	<p style="text-align: right;">Page 156</p> <p>1 R. Wycoff - by Mr. Lesko 2 and he's not answered it. 3 MR. BARTHOLOMAEI: You asked 4 him earlier in the deposition. He said, "Yeah, 5 you know, at times I've used smokeless 6 tobacco." You know the answer. 7 MR. LESKO: I asked a very 8 different question early in the deposition. I 9 don't understand the basis for your direction 10 not to answer it. 11 Frankly, you're abusing your role 12 here in directing him not to answer. I think 13 you know that. 14 MR. BARTHOLOMAEI: Go ahead. 15 You can tell him. Tell him again. 16 Q. Is that true, Mr. Wycoff, that 17 you've never used smokeless tobacco? 18 MR. BARTHOLOMAEI: Is what 19 true? 20 Q. That you've never used smokeless 21 tobacco? 22 MR. BARTHOLOMAEI: He's not 23 asking you about this document right now. He's 24 asking you a question if you've ever used 25 smokeless tobacco.</p>

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<p style="text-align: right;">Page 157</p> <p>1 R. Wycoff - by Mr. Lesko 2 MR. LESKO: Excuse me. I will 3 rephrase the question. 4 MR. BARTHOLOMAEI: Please do. 5 Q. Is the answer to this question, No. 6 9, regarding use of smokeless tobacco, where it 7 says never, is that true? 8 MR. BARTHOLOMAEI: You are 9 asking him was it true in 1991? 10 MR. LESKO: I am asking him is 11 it true now. 12 MR. BARTHOLOMAEI: Then that 13 has nothing to do with this. Many things have 14 happened since 1991, as you know. 15 Q. Go ahead and answer the question. 16 A. I've used smokeless tobacco. 17 Q. So it's not true that you've never 18 used it; right? 19 MR. BARTHOLOMAEI: Objection to 20 form. Don't answer that. 21 A. No. 22 MR. LESKO: This is 23 ridiculous. 24 Q. I am going to ask you the next 25 question that I've intended to ask for the last</p>	<p style="text-align: right;">Page 159</p> <p>1 R. Wycoff - by Mr. Lesko 2 The video camera will be pointed on 3 you, Mr. Lesko, to show the judge and to show 4 whomever how you have been asking questions. 5 I am giving you fair warning at this 6 time that if that continues, that is what will 7 happen. 8 MR. LESKO: Are you finished? 9 MR. BARTHOLOMAEI: I am 10 finished. 11 MR. LESKO: Mr. Bartholomaei, 12 first, I welcome and accept your challenge to 13 have -- 14 MR. BARTHOLOMAEI: It's not a 15 challenge. 16 MR. LESKO: It most certainly 17 is a challenge. It's a calculated challenge to 18 affect these proceedings just like the rest of 19 your interruptions all day. 20 For the record, I will note that, 21 yes, I have been exasperated by your repeated 22 interruptions, your inappropriate direction to 23 your client not to answer perfectly valid 24 questions which are not subject to the 25 attorney/client privilege or work product</p>
<p style="text-align: right;">Page 158</p> <p>1 R. Wycoff - by Mr. Lesko 2 ten minutes, but for your lawyer's 3 interruptions. 4 As of 1991, when you signed this 5 application, was the answer to this question 6 true? 7 MR. BARTHOLOMAEI: I will tell 8 you what. I am going to put on the record 9 right now -- and I've held off doing this 10 throughout the course of this deposition -- but 11 because people won't be able to understand or 12 know of the tone of your voice and the manner 13 in which you have been asking questions during 14 the morning session and now again in the 15 afternoon session -- I find your tone to be 16 very abusive, offensive. 17 I don't think discovery depositions 18 should be conducted in this manner. It's very 19 unprofessional, very inappropriate. That is 20 why I asked to have the tape recording of this 21 deposition made part of the record. 22 If it continues, it is the position 23 of our law firm, that we will suspend the 24 deposition, or reconvene at another time and 25 ask to have the deposition videotaped.</p>	<p style="text-align: right;">Page 160</p> <p>1 R. Wycoff - by Mr. Lesko 2 doctrine and your overall abuse of these 3 proceedings. With that said -- 4 MR. BARTHOLOMAEI: I will note 5 for the record that that last statement, your 6 tone of voice is completely inappropriate. I 7 don't think I've ever raised my voice. I am 8 not taking an argumentative tone with you, 9 Mr. Lesko. 10 I am simply making objections on 11 behalf of my client. You are taking them 12 either personally or you're taking them in a 13 manner in which most attorneys don't. It is 14 very unprofessional. 15 I ask that you just go on with the 16 deposition and just try and control yourself. 17 That's all I am asking. 18 MR. LESKO: I will go on with 19 the deposition. I will note for the record 20 that you have not been sworn in here today. 21 Your statements regarding my conduct are 22 worthless and they are completely inaccurate. 23 They're inaccurate characterizations designed 24 to secure an advantage which again is another 25 abuse of the process.</p>

40 (Pages 157 to 160)

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<p style="text-align: right;">Page 161</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 MR. BARTHOLOMAEI: The tape</p> <p>3 will bear the account.</p> <p>4 MR. LESKO: I have acted in a</p> <p>5 complete and professional manner, contrary to</p> <p>6 the way you have acted today. You have</p> <p>7 continually impugned my deposition style, my</p> <p>8 ability to ask a question, all in front of your</p> <p>9 client to showboat. That's essentially what it</p> <p>10 is, a big showboat.</p> <p>11 I have asked you earlier today to</p> <p>12 step outside the room so we could discuss the</p> <p>13 issues outside of the presence of your client</p> <p>14 so as not to taint this process. Quite</p> <p>15 frankly, it was as a courtesy to you which I</p> <p>16 think shows the utmost professionalism.</p> <p>17 You can make all the</p> <p>18 characterizations and unilateral statements</p> <p>19 impugning my character and conduct all you</p> <p>20 want. It's worthless.</p> <p>21 I welcome the challenge for a video</p> <p>22 or audio tape of this deposition. I will tell</p> <p>23 you right now, it will be a shame to have to</p> <p>24 have Mr. Wycoff come back here again.</p> <p>25 I am going to ask the court reporter</p>	<p style="text-align: right;">Page 163</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 Q. The box is checked Never. Do you</p> <p>3 see that?</p> <p>4 A. (Nods affirmatively.)</p> <p>5 Q. Was that answer true as of 1991 when</p> <p>6 you signed this application?</p> <p>7 A. Smoking, no. Chewed on -- I never</p> <p>8 smoked a cigar. Never smoked a pipe.</p> <p>9 Q. But you used cigars prior to 1991;</p> <p>10 right?</p> <p>11 MR. BARTHOLOMAEI: Objection to</p> <p>12 form.</p> <p>13 A. No.</p> <p>14 Q. Did you use cigars prior to 1991?</p> <p>15 A. No.</p> <p>16 Q. You never used a cigar prior to</p> <p>17 1991? That's your testimony?</p> <p>18 A. No.</p> <p>19 Q. Didn't you testify --</p> <p>20 A. After -- this would have been --</p> <p>21 when in the hell was I chewing the cigars? It</p> <p>22 may have only been one time that I even did</p> <p>23 that.</p> <p>24 Q. It was while you worked at U.S.</p> <p>25 Steel; right?</p>
<p style="text-align: right;">Page 162</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 to read the last question, because of this</p> <p>3 diatribe on your behalf which required a</p> <p>4 response from me, has carried on for about five</p> <p>5 minutes. I lost my train of thought.</p> <p>6 Congratulations.</p> <p>7 Let's hear the last question,</p> <p>8 please.</p> <p>9 (Question read back.)</p> <p>10 Q. I am going to restate the question</p> <p>11 for purposes of the record so I don't have to</p> <p>12 page back. Mr. Wycoff, looking at page 31,</p> <p>13 which is part of the application attached to</p> <p>14 the 1991 policy, question No. 9, Tobacco Use,</p> <p>15 it says, "Indicate date proposed insured last</p> <p>16 smoked or used smokeless tobacco." The box</p> <p>17 "never" has an X in it.</p> <p>18 As of 1991, when you signed this</p> <p>19 application, was that answer true?</p> <p>20 A. No.</p> <p>21 Q. Let's look at the same question.</p> <p>22 "Indicate date proposed insured last smoked or</p> <p>23 used a cigar."</p> <p>24 Do you see that?</p> <p>25 A. Um-hum.</p>	<p style="text-align: right;">Page 164</p> <p>1 R. Wycoff - by Mr. Lesko</p> <p>2 A. Cigars at U.S. Steel to chew on?</p> <p>3 Only time I can recall doing it -- I never</p> <p>4 bought cigars to chew on. They would have had</p> <p>5 to come from somebody that had a cigar. I</p> <p>6 said, "Give me that to chew on." Stick it in</p> <p>7 my mouth and just gnaw on a little bit.</p> <p>8 Q. Was that before 1991?</p> <p>9 A. Was that before '91? It is so hard</p> <p>10 to remember. To my knowledge, I only did this</p> <p>11 one time. Like I said, I never bought cigars.</p> <p>12 I doubt it, no. I would say no.</p> <p>13 Q. Let's go to Exhibit 3, please, which</p> <p>14 is the policy or the policy-related documents</p> <p>15 pertaining to the policy issued by MetLife --</p> <p>16 by Prudential, rather.</p> <p>17 A. Okay.</p> <p>18 Q. On page 113, at the very bottom of</p> <p>19 the page, is that your signature in the lower</p> <p>20 right-hand portion?</p> <p>21 A. Yes, it is.</p> <p>22 Q. Is this page part of the application</p> <p>23 that you submitted to Prudential Insurance</p> <p>24 Company?</p> <p>25 A. This is to Prudential. Did you say</p>

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1 R. Wycoff - by Mr. Lesko
2 Metropolitan?
3 Q. I think I said Prudential. If I
4 didn't, I apologize. Is this part of the
5 application that you submitted to Prudential
6 Insurance Company?
7 A. Yes, it is.
8 Q. Did you intend for Prudential to
9 rely on the information provided in this
10 application?
11 MR. BARTHOLOMAEI: Objection to
12 form.
13 Q. Mr. Wycoff?
14 A. Yes, I did.
15 Q. Let's take a look at question No. 24
16 on that page, please. For the record it says,
17 "Has the proposed insured or spouse ever
18 smoked? A, proposed insured." There's two
19 boxes, yes and no.
20 Do you see that? Which box is
21 checked?
22 MR. BARTHOLOMAEI: The document
23 speaks for itself. Are you just asking him to
24 read it out loud?
25 Q. Which box is checked, Mr. Wycoff?

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1 R. Wycoff - by Mr. Lesko
2 MR. BARTHOLOMAEI: He is asking
3 you right here which one of these two boxes is
4 checked.
5 A. The no box.
6 Q. You are the proposed insured
7 referred to in that question; right?
8 A. Yes, sir.
9 Q. Is that answer true or false?
10 A. Has proposed insured -- ever smoked?
11 I guess in that instance, it's false.
12 Q. So you allowed two applications to
13 be submitted to the insurance companies
14 containing false information --
15 MR. BARTHOLOMAEI: Objection to
16 the form.
17 MR. LESKO: Strike that.
18 MR. BARTHOLOMAEI: That's
19 completely inappropriate.
20 Q. You submitted two applications to
21 insurance companies containing false
22 information about yourself, didn't you?
23 MR. BARTHOLOMAEI: Objection to
24 form. Assumes facts not in evidence.
25 Q. You can go ahead and answer.

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1 R. Wycoff - by Mr. Lesko
2 MR. BARTHOLOMAEI: You know
3 what? I am directing him not to answer the
4 question.
5 MR. LESKO: You're what?
6 MR. BARTHOLOMAEI: Directing
7 him not to answer the question.
8 MR. LESKO: What's the basis
9 for that?
10 MR. BARTHOLOMAEI: The question
11 is completely inappropriate. It is trying to
12 trick the witness. It totally assumes facts
13 that are not in evidence. He can't answer
14 that.
15 MR. LESKO: What facts?
16 MR. BARTHOLOMAEI: For example,
17 the fact that the agent completed the
18 applications. Okay? And not Mr. -- Mr. Wycoff
19 didn't check these boxes. Those facts.
20 MR. LESKO: Thank you.
21 MR. BARTHOLOMAEI: You're
22 welcome.
23 MR. LESKO: It doesn't assume
24 those facts. Mr. Wycoff --
25 MR. BARTHOLOMAEI: You asked

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1 R. Wycoff - by Mr. Lesko
2 him that way. That's why I directed him not to
3 answer. I think there is a different way you
4 can ask him --
5 Q. Did you direct the agents, either
6 Mr. -- did you direct Mr. Seddan? Did you ever
7 direct Mr. Seddan not to submit this
8 application to Prudential?
9 A. Not to present this?
10 Q. Yeah.
11 A. No.
12 Q. Did you tell Mr. Seddan that this
13 application contains false information
14 regarding your smoking? Do you recall ever
15 telling him that?
16 A. No.
17 Q. But you certified, in signing the
18 application, that all of the information
19 contained in this application is true or was
20 true; right?
21 A. I really don't know what the hell I
22 told him. I don't know. I'm not even
23 guessing.
24 Q. Take a look, Mr. Wycoff, on page 113
25 of that application for Prudential. It's part